

Imam Ali Bin Abi Taleb and Negotiations

Dr. Saeb Erekat



Issues in Peace Research 2015

Cover Photo: Left to right, Israeli negotiators Yitzhak Molcho and Tzipi Livni, US Vice President Joe Biden, US President Obama, and Palestinian negotiators Saeb Erekat and Mohammed Shtayyeh at an Oval Office meeting to discuss the formal resumption of direct Israeli-Palestinian negotiations, July 30, 2013. (photo credit: U.S. State Department)

© 2015 Peace Studies at Bradford

Division of Peace Studies

University of Bradford
Richmond Road
Bradford
BD7 1DP
www.bradford.ac.uk/ssis/peace-studies

Imam Ali Bin Abi Taleb and Negotiations

Dr. Saeb Erekat

Issues in Peace Research 2015

Table of Contents

Table of Contents.....	vii
Glossary of terms.....	ix
Acknowledgements	xiii
Preface.....	xiv
Introduction.....	1
Chapter One	8
Roger Fisher’s seven elements of negotiation and the elements of negotiations according to the quotations and sayings of Prophet Muhammad.....	8
Introduction	8
The elements of negotiation in “Western” schools of thought	9
The seven elements of Roger Fisher	9
Rules for training on negotiations	10
Fisher’s seven elements of negotiation as outlined by Murray and Barnett	10
Fisher’s seven Pillars in Murray and Barnett’s thinking.....	13
The elements of negotiations in the “Islamic” tradition	26
Chapter Two	49
The Elements of Negotiations According to Imam ‘Alī ibn Abī Ṭālib.....	49
Identification of the elements of negotiation according to Imam ‘Alī.....	49
Interests.....	49
Relationships	51
Alternatives	55
Communication.....	56
Alternatives	59
Legitimacy.....	63
Commitment	65
The five additional elements according to Imam ‘Alī.....	67
Knowledge.....	67
Leadership and responsibility	71
Variables	73

Patience and consistency.....	76
Justice	78
Characteristics of the negotiator according to Imam ‘Alī.....	80
A summary of the elements of negotiation according to Imam ‘Alī.....	84
Chapter Three	85
Negotiations undertaken by Ali: Examples and case studies	85
Main events in the life of Imam ‘Alī and the twelve elements of negotiation ...	85
Punishing the killers of ‘Uthmān ibn ‘Affān	85
Deposition of the governors	95
Epistolary negotiations/arbitration	97
The elements of Imam ‘Alī in the deposition of Mu‘āwiyah ibn Abu Ṣufyān ...	99
Imam ‘Alī’s management of sedition and negotiations with Mu‘āwiyah.....	101
Conclusion	138
Bibliography.....	143

Glossary of terms

Ā'ishah	The third and most favored wife of Muhammad and the daughter of Abu Bakr, the first Caliph. Aisha played a major role in the political environment at the dawn of Islam.
Abd Allah ibn Abbas	One of the major supporters of Ali and an interpreter of the Quran.
Abu Bakr	The first Caliph that succeeded Prophet Muhammad as the leader of the Muslims
Abu Bakr	The first Caliph and successor of Prophet Muhammad and his father-in-law (573 CE –634 CE). His reign was short lived (632-634 CE).
Abu Mūsā Al-'Ash'arī	One of the Prophet's companions who was known for his beautiful recitation of the Quran, Chosen by Imama Ali to represent him in the negotiations with Mu'āwiyah.
Al Anṣār	They are the people who supported Prophet Muhammad in Yathreb (Medina) during the dawn of Islam. Those people were from the tribes of al-Aous and al-Khazraj.
Al-Hassan Bin Ali	Grandson of Prophet Muhammad and the son of Ali and Fatema. Regarded by the Shiites as the second Shiite Caliph. Ruled for six months then abdicated to Mu'āwiyah. Died of poisoning.
Al-Hussein Bin Ali	Grandson of Prophet Muhammad and the son of Ali and Fatema. Was beheaded by the Umayyad Caliph Yazid.

Al-Khawārij	Is a group of people that was established in the aftermath of the murder of ‘Uthman, which Imam Ali opposed. This sect were against the arbitration between Ali and Mu’āwiyah, The name which means those who went outside the rule of God was given to them by their opponents.
Amir al-Mu’minin	A title for the Caliph. Literally means the prince or commander of the faithful
amir al-mu’minīn	The commander of the faithful. A title bestowed on the some caliphs.
Amr ibn Al-‘Ās	Born in 585. The military commander who occupied Egypt and brought it to the Islamic nation in 640. Noted for his support of Mu’āwiyah Bin Abu Ṣufyān against Imama Ali.
BATNA	Best Alternative to a Negotiated Agreement. An acronym coined by Roger Fisher and his colleagues
Caliph	Is the supreme leader of the Caliphate. In the early years of Islam, the Caliph was selected by a group of people. Later, however, it became hereditary in most cases.
Caliphate	Is a religious-political regime that brings all Muslims under its rule. It goes beyond the boundaries of a national state and theoretically represents Muslims irrespective of their nationality.
Hadith	Is the collection of saying and teachings of prophet Muhammad. This body was compiled from oral reports many years after the death of Muhammad. Sahih al- Bukhari's is considered the most authoritative to the Sunnis.
Ḥamzah ibn ‘Abdul Muṭṭalib	The cousin of the prophet and one of the first to fight for the cause of Islam

Hijri	The year when prophet Muhammad and his followers migrated from Mecca to Medina in 622 AD. This represents the beginning of the Muslim Calendar.
Islamic Fiqh	Islamic jurisprudence
Medina	Medina was the center of power base of Islam in its beginning and where Muhammad was buried. It is the second holiest place in Islam after Mecca.
Messenger of Allah	Another name given to Prophet Muhammad
Mu'āwiyah Bin Abu Ṣufyān	(602 – 680 CE), The fifth Caliph of Islam and the first Caliph of the Umayyad dynasty. As the wali (governor) of Damascus he challenged Imam over the murder of Caliph Othman 'Ali and managed to claim the Caliphate Mu'āwiyah moved the capital from Medina to Damascus.
Othman Ibn 'Affan	The third Muslim Caliph. He was from the Umayyads and his rule was characterized by internal feud among the various factions.
Pact of Al-Ḥudaybiyah	A pact reached between Muhammad and the people of Mecca in 628. A ten year truce was declared between the conflicting parties.
Quraish	The tribe that Prophet Muhammad comes from. It was the strongest and most influential tribe in the Arab Peninsula at the dawn of Islam. A very powerful tribe that controlled Mecca and the Kaa'ba. Some of its leaders were strong opponents to the prophet.
Sharia'h	Islamic law

Shiites	The second largest branch in Islam. The Shiites differ from the sunnis in that they do not revere prominent Muslims such as Aisha, the prophet's third wife and Omar Ibn Al-Khattab, the second Caliph. The Shiites believe that Ali should have been the successor of Prophet Muhammad.
Sunnis	The largest Islamic sect. The word comes from Sunnah which refers to the teachings and words of Prophet Muhammad (al-Hadith).
Umar Ibn al- Khattab	The second Caliph (633-644) who was accredited for the expansion of the Muslim State (581-644) CE). He was assassinated by a Persian slave.
Umayyad Dynasty	The dynasty (661-740) that was the first to rule the Islamic World after the first four Caliphs (Rashidun Caliphate). The dynasty was founded by Mu'āwiyah ibn Abu Sufyān
Uthman Bin Affan	The third Caliph. Born on 577 and was assassinated in 656 CE.

Acknowledgements

I have been working to complete this book for many years. My wife Nimeh gave me constant support and encouragement and, at times, urged me to work when I lacked motivation. She was a source of comfort and support in helping to realise my dreams and ambitions, during times of failure and stagnation, health and sickness, hopes and pain, joy and sadness, patience and haste. To her I am very thankful.

Wajeeha Khalil worked diligently and tirelessly each day of the year not only typing, arranging, classifying and producing the book, but also in all my meetings and lectures. She worked for long hours even at weekends. She remains a great assistant and the Director-General of my office that operates day and night throughout the year. She merits my deepest gratitude.

I am also thankful to my colleague and friend Dr. Rami Al-Hamadallah, President of An-Najah University, Dr. Hikmat Hilal, Dean of Scientific Research Department at An-Najah University, and Dr. Hassan Al-Muhannadi, Director of the Diplomatic Institute at the Ministry of Foreign Affairs in Qatar. I extend my gratitude for their support and encouragement.

I am also thankful to my daughters Salam and Dalal and my sons Ali and Muhammad, as well as to my grandchildren Sineen, Sari, Sarah, Laith and Wujood who have been the light though which I have seen in the hours of darkness.

To all the martyrs and the wounded heroes of Palestine and to the Palestinian detainees – to them I send my sincere wishes, love and loyalty. They are in the avant-garde, paving the way before us toward liberation, independence and national dignity.

Dr. Saeb Erekat

Preface

I am pleased to introduce this valuable study, which is an authentic reference to the skills and fundamentals of negotiations. The study is one of the fruitful scholarly productions of my friend Dr. Saeb Erekat, a professor of political science who has a crucial role in the Palestinian-Israeli peace negotiations and in the struggle for ending the Israeli military occupation of the Palestinian territory.

This study pulls together Dr. Erekat's long experience and deep knowledge in the area of negotiations. He assumed the post of Head of the PLO's Negotiations Affairs Department on its inception in 2003 and has been the Chief Palestinian negotiator for many years.

This book is the fruit of intense academic effort that seeks to introduce Islamic heritage, values and principles into the area of negotiations, as revealed through the perspective and the methodology of 'Alī ibn Abī Ṭālib (c. 600-661 C.E.), the Fourth Caliph of the Muslims. It is an attempt to build bridges with history and actively contribute towards establishing a comprehensive frame for studying and understanding the negotiating process. In this context, Dr. Erekat compares the elements of negotiation as propounded by 'Alī ibn Abī Ṭālib and the fundamental elements of negotiation from a western viewpoint, as proposed by Roger Fisher. Fisher represents the Harvard School approach, which has had a significant impact on defining and consolidating the meaning and practice of negotiation.

The author introduces the study by discussing the contribution made by Imam 'Alī to the science of negotiations, as well as the Caliph's experience in negotiations and his influence on the present author. Dr. Erekat writes about the Caliph's contribution, "He contributed much to political realism, the relation between weakness and strength, between justice and injustice, and between what is and what should be. This Arab figure defined the concepts of the state, conventions and charters. He taught the oppressed and the weak that their strength lies in their rights and in fighting for their rights."

In this book Dr. Erekat articulately and systematically addresses the issue of negotiations through research and in-depth analysis. By adopting an approach to negotiations based on justice, Dr. Erekat provides a useful tool for Arab Muslim

diplomats, students and those who wish to know more about negotiations as a science. I am very fortunate to have read through Dr. Erekat's unique and enriching personal experience. His work combines both individual experience and systematic methodology.

I like to end by quoting Imam 'Alī's famous words on science and scholarly research: "Every receptacle narrows as it is filled up except the receptacle of science – it keeps widening." This is what we aspire for at Qatar Diplomatic Institute with a view to exploring and developing all matters related to research, intellect, and diplomatic science.

Allah is the arbiter of success.

Dr. Hassan ben Ibrahim Al-Muhannadi,
Director of the Diplomatic Institute at the Ministry of Foreign Affairs – Qatar

Introduction

When it came to the Arabian Peninsula and beyond, Islam defined the relationship between man and God, man and other human beings, and man and himself. This influenced the thought and perception of the companions of the Prophets, including Imam 'Alī. (Referred to hereafter as 'Imam 'Alī', 'Alī' or 'the Imam')

Many books have been written on the life of Imam 'Alī ibn Abī Ṭālib, his succession to the Caliphate, his disagreements with others, his negotiations and decisions. Old and new libraries are replete with numerous writings, studies and research on the Imam.

It is clear, from great works such as Al-Ṭabarī's *Tarikh al-umam wa-al-muluk* (*History of Nations and Kings*) or Al-Rādī's compilation of the sayings and sermons attributed to 'Alī, the *Nahj al-balagha* (*Peak of Eloquence*), the writings of Sheikh Muhammad 'Abdu, 'Abbās Al-'Aqqād and 'Abid Ḥassan Al-Zayyat as well as hundreds of other studies on Imam 'Alī, that he was a person of knowledge, chastity, wisdom, rectitude, and ingenuity. He was a man keenly interested in economics and politics, who combined, in thought and action, both the mundane needs of the human world and the requirements of the afterworld¹.

As the Commander of the Faithful (*Amir al-mu'minin*), Imam 'Alī contributed to the foundation for the theory of justice (*al-haq*) and the State. His thoughts on justice added to the meaning and understanding of justice that were introduced by some of his predecessors such as Plato and by some of the work of his successors like Thomas Hobbes' *Leviathan* and John Stuart Mill's *Utilitarianism*. . He understood how Islam defines the individual's relation to the state as well as state-to-state relations. He also advocated for political realism as did Sun Tzu in his work: *The Art of War* and Niccolò Machiavelli in his masterpiece, *The Prince*.

¹ 'Alī also defined the pillars and principles of various sciences (psychology, economics, politics, decision-making, crisis and negotiations management), and he contributed to the foundations of the principles of sovereignty a thousand years before Jean Bodin's *Six Books of the Commonwealth*.

‘Alī’s commitment to the concepts of goodness, virtue and morality, expounded through Islam, predated Western and Islamic works such as Thomas More’s *Utopia* or Al-Farabi’s *al-madina al-fadila* (*The Virtuous City*). He was the personification of good guidance, wisdom, knowledge, courage and physical prowess and a man who enjoyed decency, chivalry, honor, truth, peace and war. He was totally committed to Islamic law (*sharī‘ah*) in deed and in action.

In political thought, some have attributed ethics and politics to Thomas More, the author of *Utopia*. But the political thought of ‘Alī was probably as significant as that of Thomas More at least in Arab and Islamic political traditions. In political thought as well, there are some who regard Machiavelli, the author of *The Prince*, as the father of political realism in Western thought. ‘Alī, like Abu Bakr and ‘Umar Ibn Al-Khattab, introduced political realism long before Machiavelli to the Arab and Islamic political thought. Not only that, Imam Ali also set the foundation of relations between the state and its citizens and additionally defined the concept of sovereignty before Jean Bodin in his *Six Books of the Commonwealth*.

‘Alī ibn Abī Ṭālib is the central figure in terms of this study. For this reason, due consideration is given to his personality and characteristics throughout. However, the focus of this work is the negotiating behavior of the Imam in his capacity as one of the companions of the Prophet Muhammad, and therefore as a man committed to Islamic law (*sharī‘ah*) as a guiding principle in his life. He was not an irresolute commander; he was adamant and strong-willed, constantly upholding Islamic law (*sharī‘ah*).

The purpose of this book is not to present a review of events in ‘Alī’s life or to study his decisions or analyze his actions. Nor does the book aim to support or refute what has already been written on the Imam. Whichever source one consults, all writers seem to agree on the bold Islamic spirit of the Fourth Caliph: his courage, cogency, sound advice, ingenuity of opinion, and pragmatism.

These qualities are not sufficiently recognized by non-Arabic speaking scholars, including even by many Arabic-speaking academics and thinkers. Imam Ali,

besides being a thinker and a moralist, was one of the main figures around Prophet Muhammad².

It is for these characteristics that this book is written. The purpose of this book is to shed the light on Ali's contribution to the art of negotiations that is often neglected and/or misunderstood. Imam Ali has set many guidelines for justice and articulated the need for the leader to be just. Justice is a key element not because of its moral value but also because it is a main tenet of Islam. A value that has been overshadowed by recent atrocities committed by extreme elements in this part of the world who have no knowledge of or appreciation to the true meaning of Islam.

His ousting of Mu'āwiyah ibn Abu Ṣufyān³ from the Levant, requesting the extradition of the murderers of 'Uthmān ibn 'Affān, treating Ṭalḥah Ibn 'Ubaydallah and Zubayr ibn Al-'Awwām, and accepting arbitration between himself and Mu'āwiyah following the battle of Siffin provide sufficient evidence of his character.

These occasions have been, and will remain, controversial issues, but in this book we will focus on 'Alī's attitude towards negotiations based on his understanding of the *sharī'ah* provisions and regulations. We will also identify the elements of negotiations as axiomatic principles derived from the *sharī'ah* provisions and regulations as understood by the companions of the Prophet, including Imam 'Alī. Moreover, we will compare to some extent those elements with some Western elements of negotiations written 1300 years after the death of the Imam.

The book is structured according to three main themes or topics. The first chapter deals with the seven elements of negotiation in Roger Fisher's thinking as well as the elements of negotiations according to the quotations and sayings of Prophet Muhammad and the context in which the prophet lived in. The second chapter delves specifically with the seven elements of negotiations according to Imam 'Alī ibn Abī Ṭālib. In order to better the understanding of the negotiations as prescribed by Imam Ali. We will highlight here the speeches,

² There is no doubt among scholars that 'Alī slept on the Prophet Muhammad's bed on the night of the *Hijra* (migration), that he knew about the Quraish tribe's conspiracy against the life of the Prophet, and that he was the first child to accept Islam.

³ Mu'āwiyah ibn Abu Ṣufyān is the first Caliph of the Umayyad Dynasty

letters and sayings of Imam 'Alī, and expound his definition of each of the elements related to the following: state, political realism, sovereignty, decision-making and psychology, and contracts among people, rulers and constitutions. Chapter three runs through the main events in the life of Imam 'Alī. These events help in showing the profound thinking of Imam Ali with respect to ending conflict through those elements and the extent to which his vision about the resolution of conflict was inherently grounded in his passion for justice and for his faith in his religion.

Some may see in this endeavor a state of bias from an Arab Muslim writer towards his history, religion, culture and heritage. In fact, this is an attempt by an Arab Muslim Palestinian author with much experience in negotiations, who has witnessed the dramatic decline of the Arab and Islamic nations as well as the fall of Arab and Muslim capitals such as Jerusalem, Beirut, Kabul and Baghdad.

The author has lived through the wars in Libya, Yemen, Syria, Iraq, Lebanon and Palestine. In addition, I have witnessed the isolation of Gaza from the rest of the West Bank territory, including occupied Jerusalem. I have witnessed the revolutions in Tunisia, Egypt, Libya, Yemen and Syria, and noted the bold decision of the Arab League concerning Libya, Tunisia, Egypt and Yemen, and recorded the confusion and turmoil in Syria.

Holding a Ph.D. in Peace Studies from the UK, I have spent a great deal of my career in Arab-Israeli negotiations. Fisher's seven elements of negotiation have provided invaluable guidance, particularly in terms of conflict resolution, negotiations, the creation of common grounds, and win-win situations.

It is clear that Arab negotiating behavior cannot be based on western behavior. Negotiating behaviors, be they Chinese, American, French, German, British, Nigerian, Brazilian, Japanese, Canadian, Indian or Pakistani are influenced by specific history, geography, culture, values, beliefs, wars, communications, commerce, sciences and interests, all of which shape the negotiating behavior of a nation.

I have therefore dedicated much time to learning about our religion, culture, heritage, literature, science, conquests and achievements in all areas. And the

search for our elements of negotiation, as Arabs in general and Palestinians in particular, continues.

For ten years or more, I read every day. I read Al-Farābī. Ibn Al-Muqaffa', Abū Hamīd Al-Ghazzālī, Al-Sharīf Al-Rādī, Al-Tabarī, and Al-Bukharī. I used to ask them after midnight and at the hours of dawn in Jericho city during the warm winter nights and hot summer days: If you were in my place, how would you prepare yourselves for the Israeli and American negotiations or for negotiations with any other country in Europe or elsewhere? How would you deal with the Arab relations with Washington and how to explain the sharp contradiction between US's policies and diplomacy?

At times I used to conjure Machiavelli, Hobbes, Bodin, Montesquieu, Voltaire and others and ask them similar questions. Their answers were not different from the answers Arab and Muslim thinkers provided. Weakness is a phenomenon that can be easily diagnosed in both the East and West, and when nations fail to talk about their interests, they are usually affected by the events around them without affecting them in return.

I have heard and listened to many who attacked the negotiations process and some have even accused the negotiating team of treason, using terms of defamation, insult and slander against us, as Palestinians, for holding negotiations with Israel, which has been occupying our land for decades. There are even those who spread lies, conspiracies and rumors for no purpose other than to weaken us. Why? Is it because these people either seek to succumb to Washington's wishes or divert attention from the leaders of Arab countries who have failed to take appropriate decisions and speak to the US about its national interests!

I have always been astonished at the Arab and Islamic countries that possess about 40% of the energy needed by industrial countries that are considered Israel's allies. And still, the holy city of Jerusalem, Al-Aqsa Mosque and the Holy Sepulcher Church have been under military occupation for almost half a century. I have often wondered how this could be the case. This topic forms a different discussion far beyond the scope of the present study. Nevertheless, it is important to highlight such themes in the context of negotiations. Political realism, the question of weakness versus power, justice versus injustice, the

difference between what is and what ought to be, all form part of the inherent backdrop of negotiations. Where is that Arab figure who would define the concepts of the state, conventions, and charters and say to the oppressed and the weak that their power lies in upholding their rights and not in giving up their rights?

Yes, he is the Commander of the Faithful (*Amir al-mu'minin*) 'Alī ibn Abī Ṭālib. I took refuge in his sayings, speeches and letters. I read, wrote, asked and answered. It did not occur to me at the time that one day I would publish all this in a book. Things were personal and part of my private life. But I persevered, negotiated, learned, smiled, wept and shouted. This Arab man who experienced injustice and oppression, and witnessed weakness, but never faltered, was with me at every step and at every moment. He guided my mind and tongue, and he was my bridge to communication and negotiations, in giving and taking.

Despite Arab decline, weakness and disregard of Arab interests, and in spite of the occupation, internal strife, division and coups, Imam 'Alī was with me at all times. He was my inspiration, strength, pride, patience, struggle, resistance, survival and guide who took my hand towards Jerusalem.

Therefore, I want Imam 'Alī, who never worshipped idols and was the closest companion of Prophet Muhammad, his soul and mind, his courage and heart, his piety and peace to be with you. I hope he will enrich others' lives the way he has enriched mine.

Finally, it should be noted that there are many issues, such as elements of negotiation which are considered axiomatic principles, understood and exercised by the companions of the Prophet, including 'Alī. In fact, it took others decades to understand these principles or part of them. What is stranger still is that many Muslims today have lost all understanding of the principles, even though they should be the first to know them, exercise them and enlarge upon them.

In summary, the book is not to compare Western and Islamic negotiations traditions. The book simply attempts to recognize the thinking of Imam Ali with respect to negotiations and introduce it to both Arabs and non-Arabs. To my knowledge, no scholar has attempted before to highlight the thinking of Imam

Ali towards negotiations and how this thinking was manifested in his appreciation for justice and peace.

Working on this was not simply to describe what Imam Ali said or done during the time of conflict but to show the readers, notwithstanding the contributions of western schools, that the Islamic tradition was based on a vision of peace and reconciliation and that the work of Islamic thinkers and scholars on peace and justice was resourceful in spite of the attempts to hide or dilute this by some Muslims and non-Muslims who want to redirect the course of history and the contributions of many Muslim and Arab scholars with respect to the maintenance of peace and justice among humans.

Chapter One

Roger Fisher's seven elements of negotiation and the elements of negotiations according to the quotations and sayings of Prophet Muhammad

Introduction

The terms Western and Islamic culture and tradition are used ostensibly to describe two distinct and remote schools when in reality the essence of the two said cultures emanate primarily from a single source that originate in the Mediterranean basin. The influence of both "cultures" on one another is too strong that makes it rather difficult to distance one from another. Even within each of the two "traditions", it is difficult to assume that there is uniformity with respect to political or moral, or philosophical thinking. In the so called "Western" culture, the differences between the Nordic tradition and the South Mediterranean tradition has always been immense, even in the present times. Similarly, the differences among the so called Islamic culture is equally present. As in the "West", the Islamic world is a collectivity of traditions and thoughts that are significantly heterogeneous. Thus, the influence of Averroes on the renaissance cannot be underestimated nor can the influence of Plato and Aristotle on the "Islamic" cultural tradition. Even when we talk about St. Augustine and his notion of justice where would we designate him albeit his birthplace is Algeria? Should we designate him as a Westerner simply because of his Christian faith? If so how do we designate many Christian Arabs who had substantive contribution to the "Muslim" cultural tradition?

Obviously, history has created the divide and religion has indeed helped in widening this divide. But the division is not for epistemological reasons but for theological differences. In the next pages I will precisely attempt to show that this division is practically not existent in as far as the negotiations between the two "traditions". Accordingly I will show the elements of negotiations as espoused by the great negotiations theorist Roger Fisher and the teachings of Prophet Muhammad whose words and actions were inherently similar to that advocated by Fisher.

The elements of negotiation in “Western” schools of thought

The seven elements of Roger Fisher

Dr. Roger Fisher, who sadly passed away in August 2012, was a Professor of Law at Harvard Law School and the director of the Harvard Negotiation Project. In a number of publications, Professor Fisher identified seven key elements of negotiations:⁴

- a) Alternatives
- b) Interests
- c) Options
- d) Legitimacy
- e) Commitment
- f) Communication
- g) Relationship

Fisher’s seven elements have not only formed the basis of Harvard University’s syllabus, but also for the Peace Studies departments and courses in most western schools of higher education. His approach has been employed all over the world. Fisher is responsible for arranging, classifying and analyzing the seven pillars of negotiation which has laid down the foundation for any negotiations process.

In fact, it could be argued that the elements of negotiation are an entirely new concept and fairly new as formal disciplines in the West, developed at the end of the 20th century. This is the general view in all universities that offer courses in negotiations conflict: resolution and crisis management, or any other course related to human communication.

What is worth noting is that one finds a similar scheme over a millennium ago, in the practice of Imam ‘Alī ibn Abī Ṭālib, companion of the Prophet Muhammad and the Fourth Caliph of the Islamic empire who developed twelve elements of negotiation, which included the seven principles proposed by Fisher. A comparison of the two schemes, and ‘Alī’s development of his elements, will form the focus of this book.

⁴ For more, see: Roger Fisher, William Ury, and Patton Bruce, *Getting to Yes: Negotiating Agreement without giving in*, 2nd edition, (New York, Penguin Books, 1991); Roger Fisher, and Scott Brown, *Getting together: Building Relationships as we negotiate*, (New York, Penguin Books, 1988); Roger Fisher and Alan Sharp, *Getting it done: How to lead when you are not in charge*. (New York: Harper Business Books), 1988.

Rules for training on negotiations

In a previous work entitled *Life is Negotiations*⁵, I presented an analysis of Fisher's seven elements and gave a detailed explanation concerning the mechanism for their application. A summary of that analysis is extremely worthwhile here, in order to gain a clear understanding of Fisher's elements of negotiation, before comparing them to those of Imam'Alī.

In the following pages I will highlight the seven pillars of Roger Fisher as analyzed by Professor John Murray, who, at the time, was an advisor to the Negotiations Support Unit,⁶ and Mr. Terry Barnett, co-founder of the Crisis Management Program and Crisis Management Group of the Harvard Negotiations Project.⁷

Life is Negotiations used a workshop held by the PLO Negotiations Affairs Department in August 2000.⁸ The workshop was supervised by Professor John Murray and Mr. Terry Barnett. The workshop focused on three main themes:

- 1) Leadership
- 2) Negotiations
- 3) Communication skills

The material used in the workshop was the culmination of decades of working in crisis management centers, conflict resolution and negotiations training in the US, including the Harvard University Negotiation Project. Needless to say, Murray and Barnett were able to give significant insight into American negotiating behavior. The main points of their training are based on the thoughts of Roger Fisher.

Fisher's seven elements of negotiation as outlined by Murray and Barnett

The title of the first component in the booklet, distributed to participants at the workshop, was "The Seven Elements,"⁹ which are the elements or components

⁵ Saeb Erekat, *Life is Negotiations* (Nablus, Palestine: An-Najah National University), 2008.

⁶ The Negotiations Support Unit (NSU) is an independent technical unit, which provides legal, policy and communications advice to the Negotiations Affairs Department. In 2011, it was renamed the Palestine Negotiations Support Project (PNSP).

⁷ Permission from Professor John Murray and Mr Terry Barnett was obtained prior to publication of this book. Professor Murray and Mr. Barnett kindly allowed the use of all the material and methods used in the workshop, in order to highlight the training rules and principles of negotiation skills used in the US.

⁸ The workshop was held in English and titled 'Negotiations Training Workshop'.

of any negotiations process, as defined by Roger Fisher. What follows is a brief explanation of each of the elements.

Alternatives

Fisher asks two questions (a) does each party understand its best alternatives in case no agreement has been reached? (b) Can the negative results of failure to reach an agreement be used to bring parties closer to each other?¹⁰

According to Murray and Barnett: “The alternatives are the outputs available to each party in case of failure to reach an agreement. Generally parties are not obliged to accept an agreement that is worse than available options in the event that no agreement has been reached.”¹¹

Interests

Under this title, Fisher poses a twofold question: (a) Do the parties understand their own interests clearly? (b) Do the parties understand each other’s priorities and restrictions?

Murray and Barnett make it clear that, “Interests are not the same thing as positions, and the position of the parties are not claims. Determining positions is the cause behind claims, needs, desires, hopes and fears. The agreement is best when it fulfills the interests of the parties.”

Options

Fisher also poses two questions in this regard: (a) Have an adequate number of options been prepared? (b) Is the process of creating options separate from the process of making commitments?¹²

In their guide, Murray and Barnett expand on Fisher’s meaning, “Options comprise the possible space of possibilities available to the parties for reaching an agreement. The option can be put forward on the table of negotiations, and the agreement will be ideal if it takes place as a result of what is best for the set of options, especially if all the possibilities of common gains for the parties have been used well.”¹³

⁹ For more information see Roger Fisher, Elyizabeth Kopelman, and Andrea Schneider. *Beyond Machiavelli: Tools for Coping with Conflict*. New York, Penguin Books, 1996, pp. 74-85.

¹⁰ Roger Fisher. Ibid.

¹¹ Murray, John, and Terry Barnett. Ibid.

¹² Roger Fisher. Ibid.

¹³ John Murray, and Terry Barnett. Ibid.

Legitimacy

Fisher poses two questions: (a) Have all precedents and fair external standards been used? (b) Can we find the principles that can be convincing to the other party and to us?¹⁴

Murray and Barnett explain: “Legitimacy points to the fairness of the agreement and all parties express satisfaction with an agreement that is based on external landmarks, principles and standards outside the will of the parties. These fair external standards include laws, regulations, industry standards and valid procedures such as reciprocity and precedents.”¹⁵

Commitment

With respect to commitment, Fisher highlights three questions: (a) Have commitments been developed accurately? (b) Do the parties know what the other party wants to agree on? (c) If one of the parties says yes, will it be clear what the parties have to do the next day?

Murray and Barnett expand: “Written and verbal commitments stand for what each party will carry out. Commitments can be defined during negotiations or agreed on at the end of the negotiation process. Generally, the best agreements are those which define commitments accurately and clearly, and are set down in a clear, practical, and simple style that is comprehensible to the parties that are going to carry them out.”¹⁶

Communication

Fisher poses two questions: (a) does the way in which parties communicate help or impede their ability to deal constructively with conflict? (b) Do the adopted mechanisms for defining what has been agreed on fulfill the purpose or the aim for which they were developed in the first place?¹⁷

Murray and Barnett state, on this topic: “Communication in negotiations depends on common understanding of the parties and on the solidity of the negotiation process. The best communication is that when the message sent to one of the parties is perfectly and accurately understood by the other party. In

¹⁴ Roger Fisher. Ibid.

¹⁵ John Murray, and Terry Barnett. Ibid.

¹⁶ Ibid.

¹⁷ Roger Fisher. Ibid

other words, each party understands the other party even if both parties are in disagreement.”

Relationship

Fisher asks three questions under the heading Relationship: (a) What is the possibility that all parties work together? (b) Is there a working relationship among negotiators from the different parties? (c) Do parties give adequate attention to the nature of relationships that they desire to have in the future?¹⁸

Murray and Barnett write, “The most important negotiations take place between individuals or institutions that have already held previous negotiations together. At any rate, the exclusion of work relationships among negotiating individuals and institutions qualify all parties to deal with disagreements in a creative manner, that is to say the transition (from one stage to another) should improve the possibility for all parties to work jointly.”¹⁹

Fisher’s seven Pillars in Murray and Barnett’s thinking

Murray and Barnett put forth the following with regard to the seven elements of negotiation of Roger Fisher:

First Element: Working Assumption – Alternatives

The development of best alternatives for failure to reach an agreement (BATNA) provides a given party with protection from adverse outcomes and helps the said party to negotiate from a stronger position. For a better understanding, the elements of negotiation must be defined on the basis of alternatives:

Problem

The problem here lies in reaching an agreement which may be a source of regret later on, if a party feels that it has been pressurized to sign or that it rushed into accepting the offer. A party may also feel that it has not been able to reach a better agreement simply because the other party seemed stronger and presented its position in a more convincing way.

The best advice is to take these considerations seriously and remember that negotiations are not a war and that no party should force another to sign any

¹⁸ Ibid.

¹⁹ John Murray and Terry Barnett. Ibid.

agreement. One negotiates; one does not sign a document of surrender. One should always recall the phrase: “no rush and be patient”.

Cause

Usually, negotiators reach an agreement on the basis of the evaluations and possibilities they have before them on the table. Either party may also make offers or threaten to withdraw from the negotiations if the other party does not agree.

The matter is related to the cause with which one is dealing. Will an agreement solve the problem? Or will it result in more complications and prolong the crisis for some time? Threatening to withdraw, in response to the other’s party threat to withdraw, is also a valid option. However, one must be aware of the consequences of withdrawal and the results of agreeing or disagreeing on what you have originally come to achieve (the cause).

This requires a precise and accurate estimation of the situation and the components of the cause. The decision will reflect on everything else.

Approach

A given party must develop an accurate analysis of its own options and the options of the other party, if an agreement is not reached. Murray and Barnett encourage those engaged in negotiations to consider what they would do if they failed to reach an agreement with the other party, and to analyze and predict what the other party would do in that scenario. This involves a comparison of the consequences and outcomes of the proposed agreement and the options outside the framework of the agreement. The other party will also present their options -best alternative to a negotiated agreement (BATNA)- and the outcome will be that in the event of taking a final decision not to agree, the negotiating party will have to present his interests strongly and clearly.

Guidelines

- 1) The negotiator should try to improve his/her options if there is failure to reach an agreement and should employ all energies and capabilities in improving his/her options. There is no use in reaching and signing an agreement when other options achieve better results.

- 2) The negotiator should think of ways to weaken the options of the other party in the event of failure to reach an agreement. This requires an analysis of the other party's options. It is possible to remind the other party, at this point, that their estimation was not accurate, but in this case one risks damaging relations with the other party for a long time.
- 3) If both parties have strong options in the event of failure to reach an agreement, then both parties have to think seriously about the feasibility of the negotiations.²⁰

Let us give an illustration to clarify this point.²¹ Muhammad and Hassan inherited, from their father, a two-story house. The house has one electric meter and one water meter. Before his death, the father willed that the water meter be registered in the name of Muhammad and the electric meter in the name of Hassan. Before either of them got married, Muhammad and Hassan agreed to share the electricity and water bills equally because the costs of electricity and water were almost the same.

At the beginning of every month, both brothers would sit together and add up the value of the two bills and divide the total amount between them. Years passed and the two brothers got married and they continued to add up the value of the bills and divide it between them.

As a result of the rise in the prices of fuel, the electricity company was forced to raise the prices of electricity by 50%. When the time came for Muhammad and Hassan to calculate the share of each in the bills, Muhammad, in whose name the water meter was registered, said to his brother, "The electricity meter is registered in your name. Is it reasonable that I pay the same amount as you do following the rise in the price of electricity?" Hassan replied, "What if the price of water rose, would you have asked the same question?" The brothers argued fiercely and Hassan left angrily.

Muhammad thought about what had happened and came to the conclusion that failure to pay the bills on time would incur a fine initially and later a complete cut-off of water and electricity from the house. He felt that Hassan would think the same and therefore come back to his senses before things

²⁰ John Murray and Terry Barnett. Ibid

²¹ The inclusion of examples here is to illustrate Murray and Barnett's explanation of the seven elements for a specifically Arab audience. (This book was originally published in Arabic.)

became more complicated. But then the thought occurred to him, “What if Hassan guessed I thought about this? He may also think I will accept what he had proposed earlier.”

At the same time, Hassan was thinking about the same issue and the results of his argument with Muhammad. He also thought about Muhammad’s proposal that Hassan should pay a larger share for the electricity bill, as it was registered in his name, although both he and his brother consume the same amount of electricity.

The other things Muhammad and Hassan considered were:

- the impact of their disagreement on their families;
- how the neighbors would look at their disagreement;
- the possibility that the disagreement could spread through the neighborhood and the town;
- how the disagreement would affect them at their place of work;
- how their children would behave with their friends at school; and
- the possibility that others who dislike the brothers and might seek to plant seeds of hatred among them would take advantage of the situation.

The considerations are many. There are the fine and the possibility of water and electricity cut-off if the bills are not paid. The ongoing disagreement would also damage family relations and their reputation among neighbors and possibly at their place of work.

Note how Muhammad and Hassan thought about the results and outcomes of their position in relation to their interests. Interests come first. At this point, Muhammad and Hassan thought about their options, either to allow for continued disagreement and take an adamant position (what we may call stubbornness) because each might think that retraction would mean weakness.

In the event of continued disagreement their interests would be greatly damaged and because of this they decided to try to communicate again. Either could take the initiative to communicate with the other or they might ask a third party such as a relative, neighbor or friend to intervene.

The first stage is therefore to reconsider communication. Both Muhammad and Hassan’s reconsideration of communication came as a result of calculating the

damage that might affect their interests. Both realized that continued disagreement would cause them equal loss. Note that reconsideration and calculation took place according to their interests not to their positions. But what about their options related to how to solve the problem?

- Reconciliation and maintaining the same situation as before, i.e. sharing the bills between them, is the best alternative to a negotiated agreement (BATNA).
- After resuming communication, the brothers might agree to install a new water meter in the name of Hassan and a new electric meter in the name of Muhammad. But this alternative or option means that the brothers would pay high costs to the water and electricity companies.
- The brothers could agree that Hassan pays the water bill and Muhammad pays the electric bill at the end of the first month, then in the second month Hassan pays the electric bill and Muhammad pays the water bill, and so on.
- If there is little difference in 2monthly income between them, a third party may calculate the share of each of the brothers in the bills based on the income of each.
- The brothers may agree that Hassan pays both the water and electric bills one month and Muhammad pays them the next month and so on.
- The third party might check the water and electricity consumption of each brother's dwelling according to what they own: AC and heating, refrigerators, lighting, washing machines, dryers, and number of family members and their individual consumption of water and electricity.

Naturally, Hassan and Muhammad will study each option and will come to the conclusion that their alternatives outside the frame of a new agreement are better than reaching an agreement, which is to say that reconciliation will take place on the basis of keeping the situation as it is.

By giving the illustrative story of Muhammad and Hassan we tried to define the following:

- 1) The problem (positions);
- 2) Damage resulting from continued disagreement (interests);
- 3) Means of resuming communication;
- 4) Options for problem solving and the possibility of reaching an agreement; and
- 5) Alternatives

The interests of the brothers were better without reaching a new agreement, as were the alternatives, therefore both opted for keeping the situation as it is through the best alternative to a negotiated agreement (BATNA).

Second Element: Interests

Assumption: One should focus on interest and not on positions because this will increase possibilities of reaching a good agreement. Murray and Barnett define the elements of the working assumption according to interests:

Problem

There is often a tendency to focus on positions and not on interests. At the beginning of the negotiation process, each party presents a solution it deems appropriate, and each party defends their position and attacks the position of the other. The purpose of this lies in the belief that the best way to win is through reaching an agreement that is closer to our positions. Even if that is possible, one must remember that this kind of gain will damage the relationship with the other party because the agreement will be unbalanced.

Cause

It is often believed that negotiations are a battle about different positions. In fact, positions lead to conflict, such as two people seeking to marry the same woman, or two colleagues in the same position battling to be promoted to a higher rank. But negotiations are not a battle about positions since positions could be a cause to launch negotiations. What pushes one to negotiate are needs, aspirations, ambitions, desires and fears (interests) and these are much more important than positions.

Approach

Given the above, it is best to focus on interests and not on positions: this requires each to know his/her interests well. Likewise, knowing the interest of the other party and calculating the common interests are both important exercises to carry out.

The two people who want to marry the same girl may agree on asking the girl whom she wants to marry, whereby she may decide to marry one or refuse to marry either. Similarly, the two colleagues may invoke valid laws and regulations on promotion. Common interests may also be included in a special deal aiming to find solutions to problems resulting from positions.

Guide Lines

When negotiating, interests should be used to analyse options and study the mindset of the other party in order to achieve results through the other party's perspective. A consideration of how to meet the other party's requirements regarding their interests and how to satisfy them will help the process. Arguments should be focused on interests and not positions. There is no harm in discussing interests in detail. the best approach is to take the lead and initiate a discussion about one's own interests without hesitation. If you are not ready for discussion about your fears, aspirations, desires and interests, how can you expect the other party to talk about their interests? If the other party continues to talk about their positions after you finish talking about your interests, ask them plainly: Why do you do this? What is the result you wish to achieve?

Third Element: Options

Assumption relevant to options: "Putting forward the options that achieve mutual gain will lead to a better agreement for both parties."²²

Problem

How do the parties carry out the agreement? It is natural to assume that if the two colleagues resort to the laws and regulations for promotion, the problem will be resolved. In reality, such assumptions will make things more complicated. One must follow implementation through knowledge of the valid laws and regulations.

Cause

Often people opt for the first option and do not think about other options. In addition, people often hesitate in putting forward new options because they think they might not be good for them or that they might be superficial and expose them to ridicule. It is important to listen and always seek the largest number of options possible. This will help your cause.

Approach

One should prepare for negotiations by thinking about many options, and making sure that the list of options is as long as possible. There are always new options and new solutions to be found. Solutions that secure the interests of

²² Ibid.

others should be suggested, but not solutions that strengthen the other party's positions. It should be remembered that an attempt to secure the legitimate interests of the other party also provides a means to secure your own interests. If you fail to secure the interests of others through your propositions and solutions, they will not agree to them. The process for the creation of solutions should be separated from the decision-making process. Brainstorming meetings are important during the negotiations process. One should not blame others or commit oneself to a single position. Set ground rules for the session which incorporate these two conditions.

Guidelines

- 1) Encourage creative ideas.
- 2) Encourage different options to be put forward.
- 3) Encourage new ideas and means to develop them.
- 4) Follow ground rules, even if this requires reminding the participants in the brainstorming session by attaching a placard on the wall saying: "no blame; no commitments; no accusations." In other words, whatever you say will not be used against you and will not bind you to take any action. Everything that is said will remain confidential.

Fourth Element: Legitimacy

The criterion of legitimacy helps to provide easier and faster solutions to problems than the criterion of individual will.

Problem

There is always a conflict between the individual will of each party, and each party may think it has the power and can impose its will by imposing an agreement. However, it is better for the more powerful party to reach an agreement through legitimate criteria. The more powerful party must show the less powerful party that it is not trying to impose solutions or find a solution to problems of their own will, but by means of fair and appropriate criteria on a basis not related to the power and will of one party.

Cause

The human desire for justice means that legitimacy is an essential component in any negotiations process.

Negotiators must remember that not everything they put forth is just, and likewise not everything the other party proposes is just. Negotiations are not launched to define what is just and what is unjust.

Approach

- 1) Legitimacy should be used in a strict manner but with flexibility. Legitimacy acts as both sword and shield at one time. After identifying a set of options to deal with the problem, one must then identify the way to choose from those options.
- 2) Justice and equilibrium are the criteria for legitimacy, and, in order to achieve this, assistance from an impartial party may be sought.
- 3) International law provides a sound criteria and precedents in this regard.
- 4) No party should feel he or she has been dealt with unjustly because the other party is stronger. The approach should be legitimate criteria.

Guidelines

During the preparation phase, one should make sure that ideas are ready to present at the beginning of the negotiation process, which can then be put before an impartial arbitration committee. This gives the other party something to consider deeply.

It is important not to succumb to pressure, especially if the other party tries to pressure through illegitimate means. Otherwise you will send a message to your counterpart that exerting pressure is the best way to deal with others.

The pillars of legitimacy should be used as a foundation for dealing with every issue, rather than asking the other party from the beginning what they want.

It can also be useful to study the logic of the other party, and if one wants to change the rules of negotiations from positions to legitimacy, the other party should be asked, "What is your motive for your offer? Why do you want the price you accept to be USD 100? And if you were in my place, would you accept this price?"

Fifth Element: Commitment

Assumption: Not engaging in commitments to the content until the end of the negotiation process will enable you to improve negotiations and to reach a better agreement. This assumption may be counterproductive.

Problem

During the negotiation process, negotiators often become preoccupied with commitments. Each party puts forth high-ceiling positions at the beginning of the negotiation process, thinking that this is the best way to avoid concessions. The problem resulting from this is whether the negotiations will be feasible or not.

Each party will present the positions they think will help them in strengthening their negotiation ground, and this will lead to neglecting the search for common ground on which to reach an agreement that takes into consideration the interest of both parties.

Cause

As mentioned above, negotiators focus on commitment because parties think that the aim of negotiations is to reach commitments.

It is important to understand that focus should be on the quality of commitment, something which cannot be judged at the beginning of the negotiations process. There are many issues that will be put forward, and new questions will be raised. Premature commitments are usually not appropriate.

Approach

With respect to content, one should try to delay commitment to the end of the negotiations process. The right time to put forth the commitments is when all interests have been understood well by both parties. At any given meeting, check if the parties have actually reached the commitments stage.

Guidelines

On the level of commitments think about the following:

- 1) It is important to clarify, to the members of the team, that you are considering putting forth certain commitments. Likewise, the other party should be made aware that you intend to discuss commitments and then it is possible to agree on those commitments that concern you.
- 2) Meetings will proceed at a better pace when each party knows what he or she wants to achieve. When there is a chance, check your assumptions about the quality of commitments that you seek to obtain.

- 3) Develop commitments before going into the meeting room. It will be appropriate to put forth the commitments in writing when the time comes for decision-making.
- 4) Undoubtedly, the other party will also have prepared written ideas relating to commitments and will put them forth on the table. This is where the process of identifying each party's commitments begins.
- 5) Commit yourself with the other party to reach commitments and show readiness to do this.

Ensure that each party knows that any commitments, which are discussed, will not be binding until a final agreement has been reached.

Sixth Element: Communication

Assumption: It is beneficial for each party at the negotiating table to maintain communication.

Problem

Negotiations are often governed by misunderstanding. As Murray and Barnett write: Communication in negotiations is often an attempt to send a smoke message during the passage of the storm."²³ Communication is also likened to the flow of blood in the veins of negotiations. When blood clots, it will cause a heart attack. Likewise, poor communication hinders negotiations.

Cause

During any exchange, it is important to put forth what you are thinking about. Be clear and specific and leave no room for misunderstanding. If the other party does not understand what you want, the result will be vague and confusing. If the other party does not understand your problems and your interests, he/she will not be able to help you.

Approach

In brief – mutual communication is key. All should speak and all should listen. Each party should know what that they are sending and receiving. If the other party has not understood the message, then you have failed to communicate correctly. The proposition of a given party will be stronger if it includes what has been heard from the other party about their interests. In this case, the

²³ Ibid.

other party will take the proposition seriously because it will have been shown that you have taken their legitimate interests into consideration.

Guidelines

With regard to communication focus on the following:

- 1) Continue communication even if there are disagreements.
- 2) Consultation is important before taking any decision. Consulting with the other party does not mean that you have given up your right to decision-making. Rather, consultations can help you to make the right decision.
- 3) A specific objective is a must. Prepare yourself well before talking and know the message that you want to communicate.
- 4) Keep private channels of communication. At times, one might not want to present ideas or suggestions in the presence all the members of the other party. It might be appropriate to present a suggestion to the head of the other team in a private session. In this way, one can gain an idea of what ideas might be accepted by the other party, by asking privately: "Do you think you will agree with this suggestion when I propose it at the negotiating table?"
- 5) One should only talk about his/her own team and not about the other team. You should not talk to the other team about what you think they are thinking about, or about their motives or interests.

Seventh Element: Work Relationships

The eighth article in Murray and Barnett's booklet is about the seventh element of work relationships.

Assumption: Separation between negotiators (people) and issues that are subject of the negotiations. Such separation will help establish good work relationships.

Problem

The nature of the relationships you establish with negotiators from the other party will be decisive in how much one can benefit from reaching a solution to the issues. A few questions to consider: How would you present your position? Your credibility and bearing? Your seriousness? Your efforts to ensure that the other party realizes you are not deceiving them? The establishment of strong working relationships makes it much easier to deal with all sorts of problems that may arise.

Cause

It is important not to confuse the subject matter of the negotiations and the work relationships with your counterparts. You represent a party that has interests and the negotiator on the other side also represents a party that has interests. Had there been no problems there would have been no need for negotiations in the first place. Therefore, one should see to establish work relationships built on equality and mutual respect. Lack of respect towards members of the other party, disregard for others' feelings and beliefs, and aggression and anger will not help to build good professional relationships. It should be remembered that respecting the members of the other team and listening actively to what they propose, without contempt or ridicule, does not equate to agreement with their proposition. It is simply a matter of listening to them with respect and not causing bad feeling unnecessarily.

Approach

Always endeavor to separate issues related to relationships from those related to content. It is important that these two things are not confused. Similarly, do not expect your readiness to build relationships with your counterpart to result in their agreement on your propositions in relation to the content of negotiations. Avoid placing any conditions for building positive work relationships, even if the other party tries to do so. This does not equate to weakness on your part or suggest that you have accepted the other party's proposition. Building relationships can provide benefits when it is time for anchoring common ground rules.

Guidelines

- 1) Be logical even if the other party is emotional in their propositions. Make sure your propositions are logical.
- 2) Be understanding even if your counterparts do not try to understand you. Make sure you understand your counterparts well.
- 3) Be reliable and if your counterpart tries to deceive you do not try to deceive them because you will gain nothing. Deal with them in a manner that reveals you are a dependable person.
- 4) Be influential and try hard to understand what your counterpart proposes even if they try to put pressure on you. Try always to convince your counterpart.

- 5) One should try to understand what his/her counterpart proposes: this does not mean that you have agreed to their proposition. The overall aim is to find common ground, with the ultimate objective of reaching an agreement on the basis of a win-win formula.²⁴

The elements of negotiations in the “Islamic” tradition

The influence of Prophet Muhammad (peace be upon him) on Imama Ali’s thoughts on negotiations

The rules and principles of negotiations for Imam ‘Alī ibn Abī Ṭālib derive from the verses of the Holy Qur’an and the sayings (*hadīth*) of the Prophet Muhammad (hereafter referred to as Prophet Muhammad, the Great Prophet, or the Messenger of Allah). Allah says, “There shall be no compulsion in [acceptance of] the religion.”²⁵ “Invite to the way of your Lord with wisdom and good instruction, and argue with them in a way that is best. Indeed, your Lord is most knowing of who has strayed from His way, and He is most knowing of who is [rightly] guided.”²⁶ “And do not argue with the People of the Scripture except in a way that is best.”²⁷ “Indeed, those who dispute concerning the signs of Allah without [any] authority having come to them - there is not within their breasts except pride, [the extent of] which they cannot reach.”²⁸

‘Alī was schooled in Islam from childhood and his model was the Prophet Muhammad. He did not worship idols and was among the first to respond to the call of the Prophet. He was only ten years old when he made the *shahada* declaration (that there is no God but Allah and that Muhammad is the Messenger of Allah).

When the Prophet migrated from Mecca to Medina (known as the *hijrah*), he left all the money entrusted to him by the people with ‘Alī to return it to its rightful owners. At one point, ‘Alī was in bed and infidels came to him, brandishing their swords, seeking to kill him and shed his blood. But ‘Alī remained calm; he neither panicked nor tried to escape. Later the Imam followed the Prophet to Medina and the Prophet declared, “‘Alī ibn Abī Ṭālib loves Allah and His Messenger, and Allah and His Messenger love ‘Alī ibn Abī

²⁵ The Holy Qur’an. Surat Al-Baqarah, verse 256.

²⁶ The Holy Qur’an. Surat Al-Nahl, verse 125.

²⁷ The Holy Qur’an. Surat Al-Ankabut, verse 46.

²⁸ The Holy Qur’an. Surat Ghafir, verse 56.

Ṭālib.” On another occasion, the Prophet gave ‘Alī the banner to go and meet the Jewish Chieftain, Marhab, during the siege of Khaybar in 629 C.E.

‘Alī was taught in the school of the Prophet. When the call to Islam began, Muhammad was not wealthy and was not a man of power or position. The interests of Quraish contradicted the call of the Prophet, who was trying to make his way through negotiations, sound argument and logic. These were the pillars that ‘Alī learned from the Prophet and his other companions. ‘Alī learned patience and humility from Muhammad, and not to argue boisterously or boastfully. These issues were thoroughly described by Imam Abū Ḥāmid Al-Ghazālī in his book *iḥyā’ ‘ulūm al-dīn* (*The Revival of Religious Sciences*). In the introduction, the author states: “Discussion that is set for the purpose of prevailing and confutation, revealing virtue and honor, ranting at people, showing off and competing with people, appealing to people and soliciting their satisfaction, is the fountain of all behavior disparaged by God and praised by His enemy the devil.”²⁹

Imam ‘Alī and other companions of the Prophet Muhammad learned that negotiations are not a match or competition; neither are they designed to have winners and losers. They learned that negotiations are not founded on a zero sum game, but that they are *sharī‘ah* provisions.

‘Alī noticed that the Prophet used to start and end his speeches by calling people to Islam amicably and with kindness, even though the era he lived in was full of corruption including debauchery, usury, injustice, libertinism, vice, treason, cruelty and drunkenness. The Prophet lived in an era in which the wolf was the shepherd, the enemy was the judge and the ignorant was the teacher.

Not only that, the Islamic tradition gave prominence to the acquisition of knowledge, as an essential prerequisite in conducting negotiations. Imam ‘Alī explained that the first verse Gabriel revealed to Muhammad was, “Recite in the name of your Lord who created man from a clinging substance. Recite, and your Lord is the most Generous, who taught by the pen, taught man that which he knew not.”³⁰ The prophecy begins with the word ‘Recite’ thus putting the

²⁹ For more information, see: Abu Hamid Al-Ghazzali, (*Iḥyā’ ‘ulūm al-dīn*, Cairo, Dar Al-Hadi, 1992) (*Revival of the Religious Sciences*), ed. Abu Ḥafs ibn Ibrāhīm, , p. 68.

³⁰ The Holy Qur’an. Surat Al-‘Alaq, verses 1-5.

foundation and significance of Islam in as far as negotiations are concerned. Nowhere was this as evident as during the time of conflict with Quraish.

‘Alī witnessed and experienced the way Quraish dealt with the Prophet and how he dealt with them. In addition, he must have followed with interest what ‘Utbaḥ ibn Rabī‘a said concerning the conduct of negotiations with the infidels of Quraish and their bargain to strip the Prophet of any legitimacy.

Negotiating behavior: attitude towards the infidels of Quraish

In the following pages, three cases will be examined to show the manner by which the elements of negotiations espoused by Roger Fisher were in many respects present in the negotiations tradition of Prophet Muhammad.

Prophet Muhammad’s negotiating skills and the impact on Ali

In the early days of the call to Islam, the infidels of Quraish treated those who responded to Allah’s call with violence and oppression. The infidels mocked and taunted believers. When the infidels of Quraish failed to make the believers give up their faith in Islam, they adopted the carrot and stick method as a new negotiation policy.

The infidels of Quraish realized that Ḥamzah ibn ‘Abdul Muṭṭallib³¹ and ‘Umar ibn Al-Khaṭṭab had accepted Islam and declared it their new religion, and, as a result, there were changes in the political balance, the alliances and powers in Mecca and around it. Hence the infidels of Quraish held a meeting for the leaders of Mecca in which ‘Utbaḥ ibn Rabī‘a³² said, “People of Quraish, shall I go to Muhammad and talk to him? I will put before him many suggestions, some of which he might accept. I will give him whatever he asks for so that he will leave us alone.” The people of Quraish responded, “Abu Al-Walīd³³, go and talk to Muhammad.” ‘Utbaḥ went to Muhammad and when the Messenger of Allah sat down, ‘Utbaḥ said, “My nephew, you are one of us and you hold a good position in our clan and enjoy good kinship. You have brought to your people a grave matter that has divided them and stultified their dreams. Listen to my propositions so that you may think about them, and they are hoping that

³¹ A cousin of Muhammad and one of the first to die for the new faith

³² One of the chieftains of Quraish. Was killed by Hamza ibn Abdul Muttallib, the cousin of the prophet

³³ The nickname of ‘Utbaḥ ibn Rabī‘a

you will accept some of them.” Muhammad replied, “Say what you want to say.”³⁴

It would have only been natural for ‘Alī to notice the behavior of ‘Utbah in lifting the status of the Muhammad with the intention to embarrass him and make him bear enormous responsibilities, if he were to refuse the proposition. It must be noted that ‘Utbah adopted a negotiating behavior based on dictation and not on negotiations. In other words, ‘Utbah said to Muhammad that he acknowledged and appreciated the latter’s social status but his perseverance in what he was doing was considered a serious crime that divided the people and destroyed their religion.

‘Utbah ibn Rabī’a told Muhammad, “If, by doing this, you seek money, we have collected money from our funds so that you can be the richest among us. And if you seek honor, we can make you our master ready to obey your orders. And if you seek property, we can make you king over us. And if this which comes to you is a vision of which you cannot be healed, we can seek medical help and spend our money until you recover.”³⁵

The Prophet heard the propositions of the infidels of Quraish, which, in return for abandoning the call to Islam, included:

- 1) Providing Muhammad with money so that he might become wealthier than the people of Mecca.
- 2) Offering Muhammad a high status in society and making him master over them.
- 3) Giving Muhammad property and making him king over them.

However, if the Messenger of Allah were to refuse the offer, they would declare him insane and conclude that he needed treatment. It was a serious offer with a subterfuge of threat and intimidation.

The fact that the infidels of Quraish showed readiness to make Muhammad wealthy and master over them may be regarded as the greatest concession, on their part, in the history of Mecca. In return for this concession, Prophet Muhammad would have to abandon the call of Islam and declare that he was a

³⁴ For more information, see: Al-Sirjānī, Rāghib *The Attitude of ‘Utbah Ibn Rabī’a Toward the Messenger of Allah*. Retrieved from <http://.islamstory.com>, 2010

³⁵ Ibid.

false prophet seeking social status and wealth. In other words, the infidels of Quraish had determined their negotiation ceiling and what they wanted to get from Muhammad, namely for him to give up legitimacy, prophecy and message.

‘Alī must have comprehended why the Messenger of Allah did not interrupt ‘Utbah ibn Rabī’a but at the end asked him, “Are you finished Abu Al-Walīd?” Abu Al-Walīd confirmed that he was. The Messenger of Allah said to him, “Then hear what I have to say.”

The Prophet did not lose his temper and did not attack ‘Utbah ibn Rabī’a. Rather he asked ‘Utbah gently and politely if he had finished his talk. Then very respectfully Muhammad asked ‘Utbah ibn Rabī’a, “Did you finish Abu Al-Walīd?” Muhammad did not even use the first name of ‘Utbah but addressed him as Abu Al-Walīd and added, “Hear what I have to say.” In other words, the Messenger of Allah wanted ‘Utbah ibn Rabī’a to listen to what he had to say in the same way he had listened attentively to ‘Utbah. Muhammad treated ‘Utbah with respect, even though the message of the latter was laced with threat and intimidation, and a call to give up legitimacy and the call of Islam.

‘Alī perceived that the Prophet was a shrewd politician and wise negotiator and that he argued in accordance with a specific legitimacy that had been decreed, especially when he said to ‘Utbah, “Then hear what I have to say.” The Prophet Muhammad began to recite the *Surat Fussilat* (Chapter 41 of the Holy Qur’an), “... [This is] a revelation from the Entirely Merciful, the Especially Merciful. A Book whose verses have been detailed, an Arabic Qur’an for a people who know, as a giver of good tidings and a warner; but most of them turn away, so they do not hear. And they say, “Our hearts are within coverings from that to which you invite us, and in our ears is deafness, and between us and you is a partition, so work; indeed, we are working.” ... But if they turn away, then say, “I have warned you of a thunderbolt like the thunderbolt [that struck] ‘Aad³⁶ and Thamud.”³⁷

The negotiations failed because the infidels of Quraish offered things that were important to them (money, social status, property and women) as the main

³⁶ ‘Aad and Thamud are ancient civilizations in the Arabian Peninsula.

³⁷ The Holy Qur’an. Surat Fussilat, verses 1-5 and 12.

means to create a common ground with the Messenger of Allah, on condition that the latter gave up legitimacy in return. The negotiation behavior of the infidels of Quraish was based on their assumption that Muhammad was motivated by personal interests and that he was using the divine message to achieve personal and private aims. This false assumption was their strategic fault.

‘Utbah ibn Rabī’a and the leaders of the infidels of Quraish realized that their assumption was baseless. Muhammad based his call on divine legitimacy aiming to ensure the salvation and welfare of mankind by way of commanding the good and forbidding evil. Therefore, when ‘Utbah ibn Rabī’a returned to Quraish Council after hearing the Prophet’s recital of Surat Fussilat, he said to members of the Council, “I have heard words being recited to me the likes of which I have not heard before. I swear by Allah it was not poetry or magic or divination. People of Quraish obey me and leave this man alone.” The Council replied, “He has charmed you Abu Al-Walīd with his tongue.”³⁸

The negotiations were doomed to failure. The peaceful solution sought by the infidels of Quraish, was based on bartering money, social status and property for legitimacy, which Muhammad had been sent to preach by God. When the infidels of Quraish tried to make more offers to him including their sharing legitimacy with the Messenger of Allah, by suggesting that each worship their own god, the Prophet replied, “Say, O disbelievers, I do not worship what you worship. Nor are you worshippers of what I worship. Nor will I be a worshipper of what you worship. Nor will you be worshippers of what I worship. For you is your religion, and for me is my religion.”³⁹

The seven elements were evident in the negotiating behavior of the infidels of Quraish:

Interests: For the infidels of Quraish, interests meant Muhammad giving up the call to Islam. They assumed that the interests of the Messenger of Allah were associated with money, social status and property.

Options: The options for the infidels of Quraish were concerned with holding the Messenger of Allah responsible for the disagreements and divisions taking

³⁸ Ragheb Al-Sirjānī, *The Attitude of ‘Utbah Ibn Rabi’a Toward the Messenger of Allah*

³⁹ The Holy Qur’an. Surat Al-Kafirun, verses 1-6.

place in Mecca. And if he refused money, social status and property he would be accused of insanity and taken to a physician.

Communication: The mechanism of communication adopted by the infidels of Quraish was based on the norms and customs of communication at that time. Communication took place through one person selected by the rest of the community. Usually that person had a high social status and was eloquent, intelligent and well mannered. (In this case, 'Utbah ibn Rabī'a).

Legitimacy: Legitimacy for the infidels of Quraish was the continuation of the situation as it had always been (idolatry). What followed later was sharing the legitimacy: idolatry and worshipping the God of Muhammad.

Relationship: The relationships among the members of the Meccan community were socially, economically and politically intertwined. The entry of 'Umar ibn Al-Khaṭṭāb and Ḥamzah ibn 'Abdul Muṭṭallib, as well as the high status of the 'Abdul Muṭṭallib family in general, made it imperative for the infidels of Quraish to communicate and behave, in order to build a common ground. When all of this failed, there was talk about killing the Messenger of Allah. The 'Abdul Muṭṭallib family called for a meeting in order to protect their son Muhammad and defeat his enemies.

Commitment: The infidels of Quraish presented commitment accurately. For them, common ground meant that the Messenger of Allah would give up his call or accept idolatry. In return, Muhammad would be rich and enjoy an eminent social status. If Muhammad refused, he would be responsible for the consequences and would be considered insane.

Alternatives: For the infidels of Quraish the alternatives were very clear. In the event of the failure of negotiations and rejection of their offers, they would resort to the sword. They realized that Muhammad did not seek to approximate viewpoints or accept a common ground; rather, he was looking for establishing and consolidating his divine message.

Imam 'Alī and the other companions of the Prophet would have been well aware of the inevitability of the failure of negotiations between the infidels of Quraish and Prophet Muhammad, who would never compromise his legitimacy as the Messenger of Allah.

Nevertheless, Muhammad did not quarrel with ‘Utbah or interrupt his speech. The Messenger of Allah heard every single word that ‘Utbah had to say. Moreover, Muhammad did not try to mistreat or show contempt to ‘Utbah but rather addressed him respectfully as Abu Al-Walīd. He did not even argue with the offers made to him by ‘Utbah, but responded to him using the strict and decisive language of the Holy Qur’ and the moral and religious code or legislation (*sharī’ah*) which it prescribed. Prophet Muhammad showed that the religion of Islam is not based on money, social status or property but on morality, and that the end does not justify the means. The aim, according to Muhammad, was to spread monotheism and the message of Allah, and his means was revelation. Finally, the offers made by the infidels of Quraish to the Messenger of Allah came as temptation to him. There is no doubt that Muhammad acknowledged this.

After the first offer made to Muhammad, the infidels of Quraish sent a second delegation⁴⁰ telling him, “We worship what you worship and you worship what we worship.” As ‘Alī well realized, the reply of the Messenger of Allah came from the Holy Qur’an, *Surat Al-Kāfirūn* (Chapter 109).

During the other stages of negotiations, the infidels of Quraish sent a third delegation consisting of ‘Abdallah ibn Umayya, Al-Walīd ibn Al-Mughīrah, Mukraz ibn Ḥafṣ and ‘Amr ibn Al-Ās. The request, this time, was that Muhammad would denounce some parts of the Holy Qur’an. They asked him to delete, from the Qur’an, the parts that spoke against their gods. The Messenger of Allah answered them by reciting from the Qur’an, “And when Our verses are recited to them as clear evidences, those who do not expect the meeting with Us say, “Bring us a Qur'an other than this or change it.” Say, [O Muhammad], “It is not for me to change it on my own accord. I only follow what is revealed to me. Indeed I fear, if I should disobey my Lord, the punishment of a tremendous Day.”⁴¹

Later, the infidels of Quraish asked the Messenger of Allah to blow up water springs, create palm groves, to cause the sky to fall, to have a house garnished

⁴⁰ The delegation included Al-Aswad ibn ‘Abdul Muṭṭallib, Al-Walīd ibn Al-Mughīrah, Umayya ibn Khalaf and Al-Ās ibn Wā’il.

⁴¹ The Holy Qur’an. Surat Yunus, verse 15. For more information see *The Negotiations of Quraish with the Prophet*, 2008; available from Muntaddh.shbab.net.

with gold, to ascend to heaven, to cause the mountains to move, to cleave the earth and make their ancestors rise back to life, to bring God and the angels, and bring each one of them a book from heaven.⁴²

The negotiations with the infidels clearly focused on the words of God and only on that, 'Alī witnessed what the Messenger of Allah had been exposed to, by accepting God's call and entering into Islam. The Prophet endured false accusations, torture and ridicule as a result of entering into Islam. Muhammad based his negotiations on the words of Allah, "And [remember, O Muhammad], when those who disbelieved plotted against you to restrain you or kill you or evict you [from Mecca]. But they plan, and Allah plans. And Allah is the best of planners."⁴³

Pact (Ṣulḥ) of Al-Ḥudaybiyah

In order to ease the feud with the infidels of Quraish, the Messenger of Allah delegated Imam 'Alī to write an agreement with them in this regard. The Prophet called 'Alī and said to him, "Write this down, 'Alī."⁴⁴

'Alī wrote, "In the Name of God, the Most Merciful, the Compassionate." But the Quraishi negotiator interrupted him, saying, "We do not know what is meant by merciful and compassionate. Write what you used to write before, 'In your name O god.'" 'Alī refused to erase what he had already written. But the Prophet Muhammad erased it and asked 'Alī to write instead, "This is what Prophet Muhammad and Suhail ibn 'Amr⁴⁵ agreed on." But the latter said, "If I had witnessed that you are the Messenger of Allah I would quarrel with you. Write down your name and the name of your father." Muhammad asked 'Alī to erase what he wrote, but 'Alī refused. Muhammad then erased it himself and said, "Write: This is what Muhammad ibn 'Abdallah and Suhail ibn 'Amr agreed on. They agreed to spare people from war for ten years, during which they will live in security and leave each other in peace. Whoever comes to Muhammad from the Quraish, without the permission of his parents, will not be welcomed by Muhammad, and whoever comes to the Quraish from the companions of

⁴² Ibid.

⁴³ The Holy Qur'an. Surat Al-'Anfal, verse 30.

⁴⁴ Abi Ja'afar Ibn Jarir Al-Tabari, (Tarikh al-rusul wal-muluk) (*History of the Prophets and Kings*), vol. II, pp. 634-635.

⁴⁵ The representative of the tribe of Quraish during the negotiations over the Pact of Al-Ḥudaybiyah. Converted later to Islam.

Muhammad, the Quraish will welcome him. There is between us a covenant not to steal from each other or betray each other.” After an agreement was reached, copies of the pact were exchanged. Prophet Muhammad took one copy of the agreement and Suhail ibn ‘Amr took another copy.

Imam ‘Alī wrote the provisions of the pact. As noted above, he refused to erase the phrase “In the Name of God, the Most Merciful, the Compassionate” and the phrase the “Messenger of God (pbuh).” There is no question that he examined carefully the provisions of the pact, which included:

- 1) Living in a state of truce for ten years, during which people would leave each other to live in peace.
- 2) Giving people a choice of whether to declare allegiance to Prophet Muhammad or to the Quraish.
- 3) Refusing to welcome whoever comes to the Prophet without the permission of his parents, and showing welcome to the companions of the Prophet who go to the Quraish.

Prophet Muhammad would return this year with his companions, enter Mecca next year with his companions and stay in it for three days, carrying nothing with them except the items that travelers need.

What is clear is that Prophet Muhammad focused on the content of the Pact of Al-Ḥudaybiyah, and not on the form. He was aware that there was no difference in saying “In the Name of God, the Most Merciful, the Compassionate” or “O God in your name.” For the Prophet and his companions the reference is made to one and the same God.

The omission of “Messenger of Allah” teaches us that the Muhammad’s Prophethood was a truth and a reality, whether others admitted it or not. The denial of this fact would not change it. For the infidels, he was Muhammad ibn ‘Abdallah. The question which arises is whether the Quraish’s acceptance to negotiate and reach an agreement with the Messenger of Allah constituted a recognition of the equality, legitimacy and message of the Prophet,? The Quraish tribe and its leaders were no longer able to prevent people from embracing Islam. Similarly, Prophet Muhammad was no longer considered an outlaw or insane, as the Quraish claimed. He was the transmitter of a message that people believed, and that was the beginning of the true collapse of the hegemony of Quraish.

‘Alī must have recognized that negotiations require legitimacy as a basis, and, in this respect, the Quraish’s recognition of the right of the people to join the new religion was considered to be a victory that paved the way for the conquest of Mecca. The Pact of Al-Ḥudaybiyah legitimized the call of Muhammad, as Allah’s messenger, and created a new and vast opportunity for the propagation of the call to Islam. By signing the Pact, the Prophet was able ensure ten years of peace. If the Quraish breached the agreement, he would wage war against them, and if Quraish kept the agreement then he would have a quiet atmosphere in which to spread the call to Islam. In fact, tQuraish did later violate the agreement when the Quraish-allied Bani Bakr (Bakr tribe) attacked the Bani Khuzā’a (Khuzā’a tribe). Muhammad considered the attack a violation of the Pact of Al-Ḥudaybiyah.

The commitment of the Prophet not to welcome anyone who wanted to embrace Islam without permission from their parents, and for the Quraish to welcome whoever came to them, reflects the commitment of Muslims to conventions and treaties. Those who wanted to enter into Islam but did not enter Medina did not do so out of a desire to return to Quraish, but simply as a fulfillment of their obligation to remain outside of Medina and Mecca. In fact, this gave Quraish many problems since these people attacked Quraish commercial caravans and damaged their commercial activities. Those who joined Islam out of faith would find it impossible to desert Islam and return to the Quraish.

Imam ‘Alī witnessed the companions of the Prophet rejecting his injunctions to offer sacrifice and shave after reaching the Pact Al-Ḥudaybiyah⁴⁶. He also witnessed the wife of the Prophet, Hind bint Abū Umayyah (‘Um Salma) asking Muhammad: “What is wrong, Messenger of Allah? He told her about the reaction of the people and said, “Muslims have been damned. I asked them to offer sacrifice and shave but they refused.” She said to him, “Do not blame them, O Messenger of Allah, because they had great concern about your pain and weariness during the pact and their return without conquering Mecca.”

⁴⁶ Imam ‘Alī knew about the huge opposition of the companions of the Messenger of Allah to the Pact of Al-Ḥudaybiyah and he was one of the companions who protested the erasing of the phrase “In the Name of God, the Most Merciful, the Compassionate” or “the Messenger of Allah.” He also heard ‘Umar ibn Khaṭṭāb say, “This material world has no place in our religion.”

She then asked him to offer sacrifice and shave his head. He did and when he went out and people saw him they also shaved and offered sacrifice.”⁴⁷

Even though both ‘Alī and ‘Umar were opposed to the agreement, they signed it as witnesses. ‘Alī learned that opposition and rebellion were two different things. He learned that opposition meant free expression of opinion even if it was opposed to the opinion of the Messenger of Allah, when it was not related to *sharī‘ah*. Likewise, ‘Um Salma counseled the Messenger of Allah. But when the companions of the Prophet realized that matters were related to *sharī‘ah* they had no choice but to obey.

Imam ‘Alī could see the value of the woman who gave counsel to the Messenger of Allah and respected the status of women in Islam. He knew that opposition was different from rebellion and that negotiations should focus on content and not on form. In addition, ‘Alī understood that strategy meant actions, the results of which we will live and experience every day of our future life.

In fact, as a result of Pact Al-Ḥudaybiyah:

The Quraish recognized the Islamic state and this had an impact on all other Arab tribes. The truce provided the opportunity to spread Islam. Muslims trusted the Quraish and had ample time to prepare for the *jihād* (the Khaybar invasion following the Pact of Al-Ḥudaybiyah, 629 C.E.). The Quraish’s tribal allies as well as those who entered into Islam after the Pact of Al-Ḥudaybiyah such as Khālīd ibn Al-Walīd and ‘Amr ibn Al-‘Ās comprehended the true message of Islam. The Messenger of Allah began preparations for the invasion of *mu’tah* in order to spread Islam outside the borders of the Arab Peninsula. In addition, the Messenger of Allah sent messages to the Romans, Persians and Copts, calling them to Islam.

The Pact of Al-Ḥudaybiyah was a prelude to the conquest of Mecca.

⁴⁷ For more information see Riyād Muhsin Al-Saykhan. (Al-mar’a wal-wilaya al-‘ammah bayna al-fiqh al-islami wal qawanin al-‘arabiyy, Beirut, 2011) (*Women and Public Mandate in Islamic Jurisprudence and Arab Laws*)., pp. 282-283.

As a result of the Pact, the Quraish recognized that the Messenger of Allah and his companions were now equal to the Quraish in terms of power and that they had their own legitimacy and the right to disseminate their call to Islam.

It was proven that negotiations were signed to be altered, amended, or cancelled, according to the interests and power of each party. Two years after signing the Pact of Al-Ḥudaybiyah, the Bani Bakr committed an act of treachery by attacking the Bani Khuza'a. As a result, Muhammad prepared for war and took his companions to Mecca, which they then conquered. People in Mecca converted to Islam in large numbers.

It is clear, therefore, that the seven elements of negotiation (interests, legitimacy, communication, options, commitment, alternative and relationships) were all present in the Pact Al-Ḥudaybiyah.

The Epistles of the Messenger of Allah

The discussions leading to the Pact of Al-Ḥudaybiyah provided a lesson in negotiations, as did the negotiations which the Quraish held with the Messenger of Allah, through the mediation of 'Utbah ibn Rabī'a. Alī and the other companions of the Prophet had much to learn from the Pact of Al-Ḥudaybiyah and negotiations with the Quraish.

When talking about the elements of negotiations according to Imam 'Alī, the epistles of the Prophet Muhammad demonstrate the influence of the Prophet on the development of the elements of negotiations according to Imam 'Alī. The following letters attest to that.

Letter of the Prophet Muhammad to Negus, King of Abyssinia (Ethiopia)

In the Name of Allāh, the Most Beneficent, the Most Merciful.

From Muhammad the Messenger of Allāh to Negus, king of Abyssinia (Ethiopia). Peace be upon him who follows true guidance. Salutations, I entertain Allah's praise, there is no god but He, the Sovereign, the Holy, the Source of peace, the Giver of peace, the Guardian of faith, the Preserver of safety. I bear witness that Jesus, the son of Mary, is the spirit of Allāh and His Word which He cast into Mary, the virgin, the good, the pure, so that she conceived Jesus. Allah created him from His spirit and His breathing as He

created Adam by His Hand. I call you to Allah Alone with no associate and to His obedience and to follow me and to believe in that which came to me, for I am the Messenger of Allah. I invite you and your men to Allah, the Glorious, the Almighty. I hereby bear witness that I have communicated my message and advice. I invite you to listen and accept my advice. Peace be upon him who follows true guidance.⁴⁸

In his capacity as the transmitter of Islam, the Prophet Muhammad had to inform neighboring countries of what was taking place around them, as well as to know their economic, commercial, political and social conditions in order to adopt the best approach in bringing them into Islam.

At that time, means of communication were difficult. The only way of communication among countries was to send out emissaries and deputations who would carry with them verbal or written messages. The first letter the Messenger of Allah was the one that he had sent to Negus King of Abyssinia (Ethiopia) carried by 'Amr ibn Umayyah Al-Damari.⁴⁹

Letter of the Prophet Muhammad to Muqawqas, Vicegerent of Egypt

In the Name of Allah, the Most Beneficent, the Most Merciful.

From Muhammad servant of Allah and His Messenger to Muqawqas, vicegerent of Egypt. Peace be upon him who follows true guidance. Thereafter, I invite you to accept Islam. Therefore, if you want security, accept Islam. If you accept Islam, Allah, the Sublime, shall reward you doubly. But if you refuse to do so, you will bear the burden of the transgression of all the Copts. "Say O Muhammad: 'O people of the Scripture (Jews and Christians), come to a word that is just between us and you, that we worship none but Allah, and that we associate no partners with Him, and that none of us shall take others as lords besides Allah.' Then, if they turn away, say: 'Bear witness that we are Muslims.'⁵⁰

⁴⁸ For the letter of the Prophet see: *The Prophets of God: Introduction and History*, 2012, retrieved from: <http://www.moqatel.com>

⁴⁹ See: *Call of Kings to Islam*, 2012; retrieved from: <http://www.Forum.roro44.com>

⁵⁰ The Holy Qur'an. Surat Al 'Imran, verse 64.

The letter of the Prophet Muhammad to Chosreos, Emperor of Persia

In the Name of Allah, the Most Beneficent, the Most Merciful.

From Muhammad, the Messenger of Allah to Chosroes, king of Persia.

Peace be upon him who follows true guidance, believes in Allah and His Messenger and testifies that there is no god but Allah alone with no associate, and that Muhammad is His slave and Messenger. I invite you to accept the religion of Allah. I am the Messenger of Allah sent to all people in order that I may infuse fear of Allah in every living person, and that the charge may be proved against those who reject the Truth. Accept Islam as your religion so that you may live in security, otherwise, you will be responsible for all the sins of the Magians.⁵¹

Letter of Prophet Muhammad to Hercules, King of the Byzantines

In the Name of Allah, the Most Beneficent, the Most Merciful.

From Muhammad, the servant of Allah and His Messenger to Hercules, King of the Byzantines. Blessed are those who follow true guidance. I invite you to embrace Islam so that you may live in security. If you come within the fold of Islam, Allah will give you double reward, but in case you turn your back upon it, then the burden of the sins of all your people shall fall on your shoulders.⁵²

“Say O Muhammad: ‘O people of the Scripture (Jews and Christians), come to a word that is just between us and you, that we worship none but Allāh, and that we associate no partners with Him, and that none of us shall take others as lords besides Allah.’ Then, if they turn away, say: ‘Bear witness that we are Muslims.’”⁵³

Letter of Prophet Muhammad to Mundhir ben Sawa, Governor of Bahrain

In the Name of Allah, the Most Beneficent, the Most Merciful.

⁵¹ *The Prophets of God: Introduction and History*, 2012, available from: retrieved from <http://.moqatel.com>
Ḥaṭīb ibn Abī Balṭa‘ah was chosen to carry the letter to Al-Muqawqas, ‘Abdullah ibn Hudhāfah Al-Sahmi to Chosreos, and Daḥyah ibn Khalifah Al-Kalbī to Hercules, King of the Byzantines.

⁵² Ibid.

⁵³ The Holy Qur’an. Surat Al ‘Imran, verse 64.

From Muhammad, Messenger of Allah to Mundhir bin Sawa. Peace be on you! I praise Allâh with no associate, and I bear witness that Muhammad is His servant and Messenger.

Thereafter, I remind you of Allah, the Mighty, the Glorious. Whoever accepts admonition, does it for his own good. Whoever follows my messengers and acts in accordance with their guidance, he, in fact, accepts my advice.

My messengers have highly praised your behavior. You shall continue in your present office. Give the new Muslims full chance to preach their religion. I accept your recommendation regarding the people of Bahrain, and I pardon the offences of the offenders; therefore, you may also forgive them.

Of the people of Bahrain whoever wants to go on in their Jewish or Magian faith, should be made to pay jizya (poll-tax).⁵⁴

Prophet Muhammad's communications were not restricted to neighboring countries. He communicated with Christians (Bishop of Najran) and Jews. Such communications are beyond the scope of this research. The focus of the present study is on the communication and negotiations that the Prophet Muhammad held with other parties.

Imam 'Alī learned from every word and action made by the Messenger of Allah. He understood the value of the word and the manner of communication and address. He comprehended the meaning of harmony and wisdom in the letter sent to Negus, King of Abyssinia. He could identify elements of persuasion in the letter, which Muhammad dispatched to Hercules, King of the Byzantines, to Chosreos, Emperor of Persia and to the Coptic King Muqawqas. In all of the letters we find the following *"Peace be upon him who follows true guidance, believes in Allâh and His Messenger and testifies that there is no god but Allah alone... If you come within the fold of Islam, Allah will give you double reward, but in case you turn your back upon it, then the burden of the sins of all your people shall fall on your shoulders."*

The call to Islam was done in an amicable way. The call to Allah was meant for all people. What Muhammad was telling other parties is that there is safety

⁵⁴ Muhammad Ismail Al-Bukhari, (. *Ṣaḥīḥ al-Bukhārī*), retrieved from <http://Sunnah.com/bukhari>.

and security in Islam, and that the rejection of this noble religion would have drastic results.

Once again, the letters of the Prophet Muhammad distinguish between content and form, between what is said and how things are said. But the call to Allah is the focal point in all of the letters. Therefore the content of Muhammad's message was not up for negotiation but the means to achieve the objective of entering into Islam, and the results of it, did differ.

The letters of the Messenger of Allah incorporate all the elements of negotiation:

Interests

The letters use the phrases *"to embrace Islam so that you may live in security"* and *"Allah will give you double reward."* The interest is not personal but it is for all mankind and for those who enter into Islam.

Alternatives

The letters confirm that the alternative to Islam is to invoke drastic consequences, which the whole nation will bear, because of the decision of the ruler (*"...but in case you turn your back upon it, then the burden of the sins of all your people shall fall on your shoulders..."*). The other alternative, for those who are Jewish or Christian, described in the Holy Qur'an as 'People of Scripture' (*ahl al-kitāb*), was to pay the *jizya* (poll-tax). Arab polytheists have no alternatives according to Islam.

Options

The Prophet Muhammad calls to God (*"I call you to Allah alone"*) and there are also the options of guidance and reward. Rejection will result in sin, war and other horrendous consequences.

Legitimacy

All the letters of the Prophet Muhammad are based on one focal point, namely the call to Allah. There are no negotiations or compromises on this principle. However, the means, results and consequences are negotiable.

Communication

The letters of the Prophet Muhammad defined the value and significance of words, which are the most effective manner to communicate, as well as the meaning of what is communicated. The call of Muhammad is an amicable call

that includes moral teaching, harmony and wisdom. The letters include peaceful expressions such as *"Peace be upon him who follows true guidance,"* *"Blessed are those who follow true guidance,"* and *"If you come within the fold of Islam, Allah will give you double reward."* Like all people, Prophet Muhammad is a servant to Allah, and he makes this clear when addressing others, by referring to himself as "Muhammad the servant of Allah".

Relationships

Relationships are specified in the letters by virtue of the saying of Allah, "Say, 'O People of the Scripture, come to a word that is equitable between us and you - that we will not worship except Allah and not associate anything with Him and not take one another as lords instead of Allah.'" But if they turn away, then say, "Bear witness that we are Muslims [submitting to Him]".⁵⁵

Commitment

All the letters of the Prophet focus on commitment to rights and duties of the kings and nations that accept the call to the religion of Islam.

The example of dealing with the conquest of Mecca

The conquest of Mecca marked the collapse of the infidels of Quraish and an end to the worship of idols, and the consolidation of Islam. Throughout history, regimes have emerged and carried within their folds the factors of their own downfall. Kingdoms and empires have fallen as a result of wars and bloodshed, before opening the way to new regimes. The only exception to this was the fall of the Quraish and the conquest of Mecca, during which no swords were used, no houses burnt, no women assaulted. No bloodshed took place and no captives were taken.

Allah wanted the conquest of Mecca to be a consolidation and strengthening of mercy, morality, and sublime forgiveness, support of the oppressed, triumph for righteousness, loyalty and charity. These are the principles with which the Messenger of Allah and all his companions were raised. No incident of house or store burning, or crop damage or theft or indecent assault or unjust killing or attacking people was reported during the conquest of Mecca.

⁵⁵ The Holy Qur'an. Surat al-'Umran, verse 64.

The seven elements in the conquest of Mecca

Commitment

The main motive was support of the oppressed. When the Bani Bakr tribe betrayed the Bani Khuzā'a, Muhammad had no choice but to carry out his obligations as stipulated in Pact of Al-Ḥudaybiyah. This is an ideal example of commitment, which is a main pillar in Islam.

Relationships

After the Bani Bakr had attacked the Bani Khuzā'a, Abu Ṣufyān ibn Ḥarb tried to renew the Pact with Muhammad, but when he returned from Mecca, he started to call out words given to him by the Prophet: "Whoever enters the house of Abu Ṣufyān will be safe, and whoever closes the door of his house will be safe, and whoever enters a mosque will be safe." Abu Ṣufyān added his own words, "O people of Quraish, this is Muhammad who has come to you with news you have not heard before." In fact, Abu Ṣufyān realized that the Quraish had no power to engage in war. Evidence for this can be found in the fact that the total number of those killed that day was twelve.⁵⁶

The Messenger of Allah wanted to prevent bloodshed, even though he was in the position of power, because power, for him, meant responsibility. He knew that Abu Ṣufyān was a man who had pride in himself and boasted about it. In fact, this is why Muhammad allowed Abu Ṣufyān to say, "Whoever enters the house of Abu Ṣufyān will be safe." Muhammad wanted, out of the conquest of Mecca, to build a bridge with the people of Mecca and with all the Arab tribes and communities.

Legitimacy

As he was circumambulating the Ka'aba after he had purged it from idols, the Prophet said: "And say, 'Truth has come, and falsehood has departed. Indeed is falsehood, [by nature], ever bound to depart'."⁵⁷ The Messenger of Allah addressed the people of Quraish saying, "'O, People of Quraish. What do you think I am doing to you?' They answered, 'You are doing good to us because you are a generous brother and nephew.' He said, 'I say as my brother Yūsuf

⁵⁶ For more information on the conquest of Mecca, see, Muhammad Ismail Al-Bukhari (al-Jāmi' al-Musnad al-Ṣaḥīḥ al-Mukhtaṣar min umūr Rasūl Allāh wa sunnanihi wa ayyāmihi, Cairo: Dar As-Salam Publications), 2007 (The abridged collection of sound reports with chains of narration going back all the way to the Prophet regarding matters pertaining to the Prophet, his practices and his times. – also known as *Sahih Bukhari*).

⁵⁷ The Holy Qur'an. Surat Al-'Isra, verse 81.

said. No reproach to you today and Allah will forgive you and he is the most merciful. Go, for you are free.”⁵⁸

This demonstrates the legitimacy of Allah (Allah will forgive you and he is the most merciful). The decision of Muhammad was based on this legitimacy, which is represented by his statement “Go for you are free.”

Allah is merciful and forgiving and the decision of Prophet Muhammad is manifested in his implementation of the *sharī‘ah* provisions.

Communication

In the euphoria of victory, Sa’d ibn ‘Ubādah, a leader of the Christians shouted, “Today is a day of war! The Ka’aba shall be occupied.” But the Messenger of Allah responded, “Sa’d is a liar. Today is a day in which Allah glorifies the Ka’aba and a day in which the Ka’aba will be clothed.” Muhammad then ordered the banner of the Christians to be taken from Sa’d ibn ‘Ubādah and given to his son Qays ibn Sa’d.⁵⁹

The Messenger of Allah did not want to communicate through demonstrations and slogans, or score points, or blame others. His aim was to show that the religion of Islam is a good and honorable religion. It is a religion of morality and amicable communication. The Prophet issued a general pardon and preached amicable communication and modesty.

The Prophet Muhammad was intolerant of idolatry, but he was tolerant with people- even those who offended or waged war against him. He was not a mere conqueror or a commander who won the war. He was the Messenger of Allah who crowned his victory with forgiveness, mercy and good communication.

Muhammad ordered ‘Uthmān to bring him the key. When the key was brought to him, he opened the door and entered. When he went out, he called ‘Uthmān and gave him back the key and said to him, “Take perpetual possession of the house.”⁶⁰

⁵⁸ *Sahih Bukhārī*

⁵⁹ *Al- Bukhārī, al-Jāmi’ al-Musnad*, pp. 39-44.

⁶⁰ *The Conquest of Mecca*, 2012; [retrieved from http://.islam.online.net](http://.islam.online.net)

In this way the Messenger of Allah communicated with other people. Commitment, legitimacy, relationships, interests, options and alternatives were all factors that decided the way he communicated with people on the day of the conquest of Mecca. It was communication based on respecting the status and dignity of people. When Muhammad gave the key back to 'Uthmān, he read from the Holy Qur'an, "Indeed, Allah commands you to render trusts to whom they are due."⁶¹

Interests

Muhammad conducted himself, on the day of the conquest of Mecca and afterwards, as a prophet sent by Allah and not as a triumphant commander. He demonstrated mercy and sympathy. The highest interest for him was to manifest to people the nature of Islam. For this reason he ordered public pardon and issued orders not to kill or demolish homes or loot or show contempt to people, but to preserve their honor and dignity.

Options

Muhammad, in his capacity as Allah's prophet and conqueror of Mecca, could have chosen to give the key of Mecca to the Bani Hāshim (Hāshim Tribe) but he opted for keeping it with 'Uthmān. Also, after Abu Ṣufyān's request to renew the Pact of Al-Ḥudaybiyyah, following the treason of the Bani Bakr and their attack on the Bani Khuzā'a, Muhammad could have ignored Abu Ṣufyān or treated him in the way a defeated people would usually be treated. Rather he allowed Abu Ṣufyān to tell the people of Mecca, "Whoever enters the house of Abu Ṣufyān will be safe."⁶² Likewise, the Prophet Muhammad could have held trials and punished infidels for their actions, but he opted for a general pardon.

The infidels of the Quraish had no option, and as Abu Ṣufyān told them, "O people of Quraish, this is Muhammad who has come to you with news you have not heard before." This meant that the Quraish had no option while the Messenger of Allah had many options. He opted for mercy, reconciliation, tolerance, respect and dignity for all people.

⁶¹ The Holy Qur'an. Surat Al-Nisa', verse 57.

⁶², Muslim ibn al-Hajjaj al-Naysaburi, (Ṣaḥīḥ Muslim), retrieved from <http://Sunnah.com/muslim>. On *jihad* (1780/84).

Alternatives

When the Quraish breached the Pact of Al-Ḥudaybiyah, the Prophet Muhammad did not accept the alternative to renew the Pact, as Abu Ṣufyān proposed. The Messenger of Allah had no alternative but to consolidate Islam, the religion of Allah. He preached to people as they joined Islam in great numbers, “There is no God but Allah, who has no partner. His promise became true and he made His servant victorious. He defeated factions all alone. All exploits, blood or wealth are under my feet except the foundation of the house and water spring of the pilgrims. O People of Quraish, Allah has liberated you from the pride of ignorance. People came from Adam and Adam came from dust. No more glorification of your forefathers.” Then the Messenger of Allah recited to them God’s words, “O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted.”⁶³

There is no other alternative to “there is no God but Allah and Muhammad is His Prophet.” This is the focal point for the legitimacy of Islam. “All exploits, blood or wealth are under my feet except the foundation of the house and water spring of the pilgrims.” The age of the forefathers has gone and the alternative has come represented in true faith and piety. There is no difference between one person and another except in faith and piety.

Imam ‘Alī witnessed every single hour of the conquest of Mecca, as well as the letters of the Messenger of Allah, the Pact of Al-Ḥudaybiyah, and the negotiations and meetings with the infidels of Quraish.

These four events: negotiations with ‘Utbah ibn Rabī’a; the Pact Al-Ḥudaybiyah; the letters of the Prophet Muhammad; and the conquest of Mecca, have been selected to exemplify the use of negotiations during the earliest days of Islam.

Negotiations with ‘Utbah ibn Rabī’a highlight how Quraish used negotiations in an attempt to strip the Prophet Muhammad’s call to Allah of legitimacy. The Pact of Al-Ḥudaybiyah represents the post-migration stage and marks the Quraish’s recognition of the legitimacy of the Messenger of Allah.

⁶³ al-Naysaburi. (Ṣaḥīḥ Muslim)

The letters of the Prophet Muhammad point to his keenness towards maintaining good international relationships and interest in spreading Islam outside the borders of the Arabian Peninsula. The conquest of Mecca represents the downfall and collapse of an infidel regime and the consolidation of Islam. These examples all had an impact on the development of 'Alī's understanding of the various elements of negotiation, as we shall now see.

In conclusion, the elements of negotiations developed by Roger Fisher are intrinsic to the tradition of Islam and the teachings of Prophet Muhammad. This is but one characteristic that directs us to the closeness of Islam to the so-called Western tradition.

The strategy of negotiations adopted by Prophet Muhammad was immensely influenced by the religion of Islam in many respects. On the one hand it took into consideration the need to be compassionate and merciful even with the opponents and on the other hand to work towards the set objectives without having to revert to superficial considerations, The efficacy by Which prophet Muhammad used this strategy shaped the views of Imam Ali as will be discussed later.

Chapter Two

The Elements of Negotiations According to Imam ‘Alī ibn Abī Ṭālib

Identification of the elements of negotiation according to Imam ‘Alī

This chapter underlines the negotiations elements of Imam ‘Ali. The first part of the chapter goes over the elements that are outlined and discussed by Roger Fisher and the second part explores the additional five elements that are characteristic in Imam ‘Ali’s thinking. This overview is intended to show the extent to which the Arab and Islamic tradition is an embodiment of the same tradition from which the so-called Western tradition emanates from.

As has been established, ‘Alī entered into Islam as a child and gained much experience as a result of joining the school of the Prophet Muhammad. This experience led him to become an advisor to the caliphs Abu Bakr, ‘Umar and ‘Uthmān, and eventually the *amir al-mu’minīn* (Commander of the Faithful), in dire circumstances that struck the Islamic state and its unity. Imam ‘Alī identified twelve elements of negotiation. Later, western schools would identify and employ seven of those elements.

Imam ‘Alī’s twelve elements of negotiation will now be assessed in detail, before looking at his approach to decision-making and crisis and negotiations management, through the application of the elements. We will begin first with the seven elements of negotiation outlined by Roger Fisher⁶⁴, which Imam ‘Alī had also identified.

Interests

According to Imam ‘Alī, the interests of individuals, communities and states, as well as human relationships, with each other and with God, are based on fair interests, which, in turn, are based on the provisions of the Islamic Law (*sharī‘ah*). Islamic Law decides what is or is not in the interest of the believers. Imam ‘Alī wrote to Mālīk ibn Al-Ḥārith Al-Ashtar, when the latter was appointed the governor of Egypt, that justice was life and that his appointment was the basic function of governments. He added, “No nation will be blessed unless the

⁶⁴ These elements as examined by Roger Fisher are overviewed in Chapter one

weak take their right from the strong.”⁶⁵ ‘Alī was also quoted as saying: “I will belong to Islam in a way that no-one has belonged to it before. Islam is submission, submission is certitude, certitude is belief, and recognition is performance, and performance is the good act.”⁶⁶

In defining interests, the Imam is also quoted as saying, “Fear was paired with prestige and awe, modesty with deprivation, and opportunities pass by like clouds: therefore seize the opportunity to do good.”⁶⁷ In other words, those who fear something fail to understand it, and whoever is too modest or shy will be deprived of anything that he does not ask for, and therefore interests lie in seizing the opportunity to do good and to comply with the provisions of the *sharī‘ah*.

‘Alī also said: “Whoever sets right his relationship with Allah, Allah will set right his relationship with people; and whoever sets right the path to eternal life, Allah will set right his path in the mundane world; and whoever follows his inner soul, Allah will keep him safe.”⁶⁸ Moreover, Imam ‘Ali noted that one should “Deal with the news that you hear with the care of your mind and not as a narrative; those who talk about science are many but those who care for it are only a few.”⁶⁹ Also referring to interests, ‘Alī once said, “Cut down from your livelihood by giving to charity,” “Ignorant people are enemies,”⁷⁰ “Who fights against truth, truth will knock him down,” and “Death is better than life and living in austerity is better than begging. Who does not give shall not take. Life has two days, one for you and one against you. If for you be thankful and if against you must be patient.”⁷¹ In other words, death is better than humiliation and hypocrisy, and satisfaction with the little that you have is better than asking for alms from people.

On a similar subject ‘Alī also taught people that, “Who lives sparingly will be able to survive.”⁷² In other words, who lives sparingly will always live by the

⁶⁵ Sharif.Al-Radi (nahj al-balagha) (*Peak of Eloquence* p.18.), www.sufi.ir, (English version available from <http://dawoodi-bohras.com/pdfs/Nahjul-Balagah-English.pdf>)

⁶⁶ Ibid., p. 157.

⁶⁷ Ibid., pp. 489-511.

⁶⁸ Ibid., P. 172.

⁶⁹ Ibid., p. 172.

⁷⁰ Ibid., p. 179.

⁷¹ Imam ‘Alī speech, part 4, p. 395.

⁷² Ibid., part 4, pp. 439-620.

truth. The Imam added, “It is foolish to deal with anything if this is not possible, and patience comes after the opportunity.”⁷³ What he means here is that one should do not rush into doing anything unless capable of doing it and should not hesitate when one has the ability to act. The Imam also said, “Do not ask what existed. Your business is with what exists.”⁷⁴ That is to say one should not wish matters that he cannot deal with, and it is sufficient that he has his own issues to deal with.

Imam ‘Alī also highlighted the necessity of focusing on interests and not positions or situations. Interests can be achieved by following the truth, which is dictated by the *sharī‘ah*. Man should not rush into carrying out matters before he makes sure he can do this, and man should not wait or hesitate to carry out matters if the possibility for that is available. Likewise, building common ground does not take place by mere desire. One must make an effort to get what one wants and therefore preoccupy oneself with such a goal. This is the way a common ground can be built. According to Imam ‘Alī, the opportunities to reach a good agreement lie in identifying the interests for both parties concerned.

Interest means certainty, and this is the central point for the Imam where interests rest, especially when he says that Islam means submission and submission means certainty, which means belief and recognition and performance. It is the system of interests based on certainty, believing, recognition and performance that are the pillars and foundations for good acts and commitment to the provisions of the *sharī‘ah*. They are also the foundation for establishing a common ground in identifying interests as an element of negotiations according to ‘Alī.

Relationships

Hundreds of years before Roger Fisher wrote about interests as one of the elements of negotiations, Imam ‘Alī had already identified interests as a win-win situation in the context of the relationship of Muslims with each other. For instance, one could look to the relationship between the Imam and

⁷³ Hadi Al-Najafi, (Hadīth Ahl Al-Bayt Encyclopedia). Part 8. P. 289.

⁷⁴ Ibid.

Mu'āwiyah, and also between Prophet Muhammad and his relationship with the Quraish, as was discussed earlier. It is not a lose-lose or lose-win relationship.

According to Imam 'Alī, relationships constitute one of the elements of negotiations and communication among people. Relationships and interests are consistent with each other despite differing time periods and life conditions. It is also clear, according to *sharī'ah* provisions, that interests are the mind with which people think and make their decisions.

In defining relationships, 'Alī said: "Mix with people in a manner that if you pass away they will cry for you and if you live they will show you sympathy."⁷⁵ Mixing with people means having an accurate understanding of their interests and treating them with equality, dignity and respect.

Moreover, 'Alī insists on keeping the secrets of people. He said, in this respect, "Who keeps his secret will keep his well-being,"⁷⁶ "The breast of the rational is the chest of his secret,"⁷⁷ and "Fortify secrets."⁷⁸ In addition, the Imam said, "Who warns you is like the one who brings you good news,"⁷⁹ and "Gossip is the weapon of the incompetent," that is to say that one should not say bad things about someone who is not there because gossip is the weapon incompetent people use for vengeance.

He also said: "If you are greeted give a better greeting, and if a hand does good to you, reward it well. The favor is for the initiator." In other words, one should be the first one to initiate doing well, and build relationships on the basis of respect, equality, and accurate understanding of the interests of the others.

In identifying relationships as an element of negotiations and communication Imam 'Alī also is believed to have said, "My son, keep four things about me which will not harm you if you do by them. Wealth is the wealth of the mind; poverty is the poverty of ignorance; loneliness is wonder; and the best kin is the kin of good character."⁸⁰ He adds in the same article, "My son, do not

⁷⁵ Al- Rādī, *Nahj al-balagha (Peak of Eloquence)*, p. 166.

⁷⁶ This is a saying attributed to many companions of the Prophet (pbuh).

⁷⁷ Al- Rādī, *Nahj al-balagha (Peak of Eloquence)*, Wisdom 6.

⁷⁸ Al- Rādī, *Nahj al-balagha (Peak of Eloquence)*, The speeches of Imam 'Alī. Part 4. P. 14.

⁷⁹ Ibid. p. 170.

⁸⁰ Ibid., p. 168.

befriend the foolish, for instead of doing you good they will harm you; do not befriend the miser for they will depend on you; beware not to befriend the licentious, for he will sell you for foolishness, and beware not to befriend the liar, for he is like a mirage.”

Imam ‘Alī, argues that relationships are based on patience with people and understanding of their condition and behavior: “Patience comes from faith and it is like the head of the body. A body without a head is useless, and likewise there is no good in faith without patience.”⁸¹ . Relationships are also based on giving people the opportunity to act, keeping their secrets, protecting their property and initiating good acts. This is what Imam ‘Alī learned from being one of the companions of the Prophet.

On the matter of hard times and circumstances Imam ‘Alī had much to say: “Your society will pass through a period when cunning and crafty intriguers will be favored by status; when profligates will be considered well-bred, well-behaved and elegant elites of the society; when just and honest persons will be considered weaklings; when charity will be considered a loss to wealth and property, when support and help to each other will be considered a favor, and when prayers and worship to Allah will be taken up for the sake of show, in order to gain popularity and higher status. At such times regimes will be run under the advice of women and the youngsters will be the rulers and counselors of the State.”⁸²

One must therefore always consider: How would you put forth your positions? How serious are you? What about your credibility? Are you keen on the interests of the other party? Does the other party know that you are not going to deceive them? You are trying to reach work relationships based on accurate understanding of common interests.

Here it is important not to confuse content and work relationships. The party with whom you are negotiating represents his interests and you represent the interests of the party on behalf of whom you are negotiating. According to Imam ‘Alī, work relationships are based on equality, mutual respect, discreetness, patience and good behavior. This does not mean that one or the

⁸¹ Ibid., p. 171.

⁸² Ibid., part 4, p. 173.

other party must concede their rights. Without problems there would be no negotiations.

Any attempt to deceive the other or disregard their feelings and beliefs, or any attempt to behave aggressively and angrily will hinder you from building workable relationships and finding a common ground and solutions to problems, 'Alī explains. In addition, it is contradictory to the *sharī'ah* provisions, as stipulated by the actions of the Prophet Muhammad during negotiations, which 'Alī had witnessed.

In addition to accommodating the feelings and interests of the other party, one is required to give an attentive ear to their propositions without contempt or ridicule. This does not mean that one must agree with whatever the other party proposes or suggests. It is only important that one listens respectfully and refrains from provocation.

As Imam 'Alī teaches, one should not link readiness to listen and the other party's agreement on what you are proposing. You are supposed to listen well treating the other party with respect so that they respect you in return.

In addition, it is also important to refrain from setting conditions for building positive work relationships. 'Alī prescribes the main principles for building good work relationships: the mind, discreetness, honesty, patience and forbearance. These are more sublime than the principles of relationships identified by Roger Fisher as one of the seven elements of negotiations. But "when profligates will be considered well-bred, well-behaved and elegant elites of the society, when just and honest persons will be considered weaklings, when charity will be considered a loss to wealth and property, when support and help to each other will be considered favor ... at such times regimes will be run under the advice of women and the youngsters will be the rulers and counselors of the State." All these are the diseases that damage justice, interests and human relationships.

On the issue of relationships, therefore, Imam 'Alī, as did Fisher, provides for the necessity to focus on problems and not people. He stresses the need to establish good relationships based on honesty, respect, discreetness, rational behavior, insight, equality and mutual respect. Such relationships will decide the extent of the opportunity available to reach a common ground for problem solving.

Alternatives

The development of alternatives for an agreement, which one might regret in the future because of pressure or hasty decision or miscalculation, will provide protection from adverse consequences and make for better negotiations. This was the main element of alternatives for Roger Fisher and western schools of negotiation.

Imam 'Alī examined this element in depth, especially in his act of deposition of the rulers and in arbitration, as will later be seen. According to 'Alī, alternatives constitute a central point in any negotiations, especially if things change fast and circumstances and conditions become increasingly difficult. 'Alī says, "To waste an opportunity will result in grief." He also says, "He never receives a favor until he loses one."⁸³ He adds, "The sublimity of states gives the mind an eminent status, while the decline of states confuses the mind."⁸⁴ The Imam adds, "You just point out and I will see what to do. If I disobey you, you must obey me." He also says, "They do not provide for the Hereafter. They have to pass through a long journey over a very difficult road."⁸⁵ In other words, one must prepare oneself for the hereafter, and good preparation is one of the foundations of constructive negotiations.

Imam 'Alī adds: "Reject trivialities that may damage your duties and obligations."⁸⁶ This is a plain statement that one should not accept an agreement that damages one's interests and constants. And if an agreement which damages interests is proposed, it must be rejected and alternatives be found. Moreover, if the negotiated agreement will lead to a worse situation, it must be avoided and alternatives must be sought. In this respect, Imam 'Alī said: "Clarity of vision is not like inspection with insight. Eyes may lie but the mind that seeks advice never deceives."⁸⁷ According to 'Alī, correct vision is not the vision of the eyes and science is not restricted to the tangible and physical. Vision may deceive but true vision is that of the mind that does not lie.

⁸³ Ibid., p. 180.

⁸⁴ Ibid., p.191.

⁸⁵ Ibid., p. 171.

⁸⁶ Ibid., p. 188.

⁸⁷ Ibid.

One must be patient in decision-making and avoid taking hasty decisions. Every single point or item in any agreement must be examined thoroughly in order to understand its repercussions and effects. As ‘Alī teaches, great matters may be small because they are distant, and small matters may seem great because they are close. It is therefore necessary to examine future ramifications for every point that is agreed upon and its impact on interests. A good agreement must serve your interests.

In describing rationality and alternatives, Imam ‘Alī says, “He is the one who puts things in their right place. Then he was told to describe the ignorant and he said: ‘I already did’”.⁸⁸ What this means is that the ignorant does not put things in place and he is described as the antithesis of the mindful and rational person.

Accordingly, Imam Ali argues that one must think seriously and deeply about all the negotiated issues, and things must be put in their right place. In this respect, accuracy means either reaching an agreement, or looking for alternatives.

Communication

On the level of communication, as one of the main components of negotiations, Imam ‘Alī understood well the significance of communication with the partner at the negotiating table.

Communication is the blood that runs through the veins of negotiations. When the blood clots, this will lead to a heart attack. Likewise, miscommunication impedes negotiations. Imam ‘Alī says about communication: “Cheerfulness is the key to friendship.”⁸⁹ He also says, “Unfortunate is he who cannot gain a few sincere friends during his life” and “Often your utterances and expressions of your face leak out the secrets of your hidden thoughts.”⁹⁰ ‘Alī adds: “Admonish your brother (comrade) by good deeds and kind regards, and ward off his evil by favoring him.”⁹¹ He also says, “My son, make yourself a scale between yourself and others. Love for others what you love for yourself, and hate for

⁸⁸ Ibid., Part 4.

⁸⁹ Ibid., p. 166.

⁹⁰ Ibid., p. 167.

⁹¹ Ibid., p. 178.

others what you hate for yourself.”⁹² He adds, “Lessons are many but consideration is very little” and “Who exaggerates rivalry sins and who underestimates it is oppressed, and whoever rivals with Allah will lose.”⁹³ In other words, beware of deviating from justice to injustice and refrain from using force except for just purposes.

To Imam‘Alī : “A fool's mind is at the mercy of his tongue and a wise man's tongue is under the control of his mind.”⁹⁴ The wise man does not speak except after consultation and deep thinking, but the fool rushes in to speak without thinking. He adds: “The value of each man depends upon the art and skill which he has attained”⁹⁵ and “One who imagines himself to be all-knowing will surely suffer on account of his ignorance.”⁹⁶ This means that is whoever says ‘I do not know’ acknowledges his ignorance, and whoever’s ignorance is known by people, will be hated by them, and therein will be his decimation. ‘Alī also says: “The world is like a serpent, so soft to touch, but so full of lethal poison. Unwise people are allured by it and drawn towards it, and wise men avoid it and keep away from its poisonous effects.”⁹⁷

Imam ‘Alī taught people about the principles of communication roughly 1400 years ago. He regarded it as one of the main pillars of communication when he said, “Often your utterances and expressions of your face leak out the secrets of your hidden thoughts.”

In modern negotiations, each party commissions one person to write verbatim what the other party says, and another person to observe the gestures and body language of the members of the other delegation, in order to understand their character.⁹⁸

The school of Imam ‘Alī reached this high level of development hundreds of years before western schools. The Imam says, “Cheerfulness is the key to friendship.” A smile generates admiration and reaches down to the heart

⁹² Ibid., p. 138.

⁹³ Ibid., p. 198.

⁹⁴ Ibid., p. 168.

⁹⁵ Ibid., p.171.

⁹⁶ Ibid., p. 171.

⁹⁷ Khalid Muhammad Khalid, (Fī riḥāb ‘Alī. (With ‘Alī) Cairo: Al-Muqattam Publications) 1966.

⁹⁸ I studied communication and body language when I was preparing for my PhD at Bradford University. I learned to communicate with a smile in order to gain the trust of other people and show my respect to them.

quickly. It is one of the main pillars of communication and is related to body language. At the same time, one should also watch for slips of the tongue because they divulge motives, plans, tactics and maneuvers and even sometimes the strategies of the other party.

Likewise, members of the other negotiating delegation observe our gestures and slips of our tongues. Therefore we have to be careful not to make mistakes or say anything unintentionally. In negotiations, slips of the tongue and body language should be taken seriously. Negotiators are also trained not to play with the hair, as it is a sign of tension and weak character, and not to place the hand or fingers on the face or mouth or eye or forehead. Imam 'Alī teaches us about all of this saying, "The value of each man depends upon the art and skill which he has attained."

This is a call for specialization, skill and professionalism. Negotiation skills are not inherited; they are a science, and the value of the individual is revealed in his specialization. To give a simple analogy: The value of the physician can be best seen in the way he treats his patients and not in the way he plays basketball or maintains his garden. That is not to say that a physician cannot be a professional basketball player or gardener; rather, that each of us has his or her own specialization and we can all enhance our position by developing our skills in the field of our specialization.

According to Imam 'Alī, the rational person thinks before uttering a word. He is not the kind of person who regrets what he says. In defining the element of communication 'Alī warns us against claiming knowledge about what we do not have. In order to retain status and respect, one should not pretend to know about matters of which one is ignorant. It is better to say that one does not know and will consult with those who know better. In this way your counterpart will realize that you are a person of knowledge. This is, in fact, what Imam 'Alī means by saying "One who imagines himself to be all-knowing will surely suffer on account of his ignorance."

Above are some simple examples of what Imam Alī said and taught about communication, which is one of the main components of negotiations. From the viewpoint of the Imam, communication requires putting forth what one is thinking about accurately and clearly, and leaving no room for any

misunderstanding, because the result will be confusion and chaos as one party's interests will be unclear to the other party. Poor reception and poor transmission of a message or communication reflect impotence, and those who fail to communicate with people are incompetent and unfortunate.

Consultation is also an important step before decision-making, and one should not communicate any matter about which they do not know. This does not mean that one has accepted the position of the other party; it simply means that one is preparing his- or herself well for negotiations and that he/she knows the message that he/she wants to communicate.

Moreover, one has to continue communicating even if there are disagreements. It is imperative not to block channels of communication. As 'Alī puts it: "Make yourself a scale between yourself and others." He also says, "Who exaggerates rivalry sins and who underestimates it is oppressed." One should not exaggerate or underestimate rivalry. But not to exaggerate does not mean to neglect or to be careless. This is the scale for negotiations according to 'Alī, and it also applies to personal rivalry, in addition to public matters, neither of which should not be underestimated.

Communication is a mutual process between two or more parties. Each will put forth their suggestions and ideas. Each party receives and sends, hears and is heard. And the power of receiving must be as strong as that of sending. If the reception of one party is weak and that of their counterpart is strong, the counterpart will immediately recognize this weakness; and, likewise, if the reception of the other party is weak and yours is strong, you will recognize their weakness. In this respect, Imam 'Alī says, "Unfortunate is he who cannot gain a few sincere friends during his life."

Alternatives

As Fisher also argues, any negotiations must keep all alternatives open. When Imam 'Alī agreed to arbitration with Mu'āwiyah, he based this agreement on texts from the Holy Qur'an and the *Sunnah*. There is a question as to whether 'Alī's refusal to pledge allegiance to the Commander of the Faithful (*amir al-mu'minin*) was an explicit violation of the Holy Qur'an and the *Sunnah*.

However, 'Alī called for keeping all alternatives open except for propositions that violate or contradict the teaching of Islam.

Regarding alternatives, 'Alī says: "The Merciful Lord has given his creatures (human beings) complete freedom to do as they like, and then prohibited them from committing certain actions and warned them of the consequences of such actions (His Wrath and His Punishments). These orders of Allah carry with them the least trouble and lead us towards the most convenient ways of life and the rewards which He has promised, for good deeds are many times more than the actions actually deserve. He sees people disobeying Him and tolerates them not because He can be overruled or be compelled to accept human supremacy over Him."⁹⁹ 'Alī adds: "If matters get mixed up then scrutinize the cause and you will know what the effects will be."¹⁰⁰ What he means by this is that the beginning determines the end.

The Imam also says: "The knowledge which remains only on your tongue is very superficial. The intrinsic value of knowledge is that you act upon it."¹⁰¹ He adds: "The best act is the one you force yourself to do." This is a clear injunction that one has to think about all alternatives, even about those which one forces upon oneself, as they may provide a resolution.

In addition, 'Alī tells us: "The sin which makes you sad and repentant is more liked by Allah than the good deed which turns you arrogant."¹⁰² The good deed that makes you arrogant may lead to evil, while the sin, which makes you sad and repentant, may result in good.

Alternatives must be open and one must consider all aspects, as also stated by Fisher. 'Alī says: "Not to have something is less humiliating than to beg for it."¹⁰³ In other words, one should identify alternatives without asking for them from unworthy people because that will end in humiliation. You have to fortify yourself with calculated alternatives.

On the matter of defining alternatives and the necessity of keeping alternatives open, Imam 'Alī says: "I wonder at the mentality of a miser, fearing poverty he

⁹⁹ Al-Sharif Al- Rādī, *Nahj al-balagha (Peak of Eloquence)*, p. 171.

¹⁰⁰ Ibid., p. 170.

¹⁰¹ Ibid., p. 172.

¹⁰² Ibid., p. 169.

¹⁰³ Ibid., p. 170.

takes to stinginess and thus hastily pushes himself headlong into a state of want and destitution. He madly desires plenty and ease, but throws it away without understanding. In this world, he, of his own free will, leads the life of a beggar and in the next world he will have to submit an account like the rich. I wonder at the arrogance of a haughty and vain person. Yesterday he was only a drop of semen and tomorrow he will turn into a corpse. I wonder at the man who observes the Universe created by Allah and doubts His Being and Existence. I wonder at the man who sees people dying around him and yet he has forgotten his end. I wonder at the man who understands the marvel of genesis of creation and refuses to accept that he will be brought back to life again. I wonder at the man who takes great pains to decorate and to make comfortable this mortal habitat and totally forgets his permanent abode.”¹⁰⁴

It is useful to consider the balanced alternatives which ‘Alī proposes. As he talks about alternatives he says the miser has a need but does not fulfill it and therefore he has the need the poor usually have. At the same time, ‘Alī urges people to be humble and shun arrogance. He reminds them of their beginning and of their inevitable end. The Imam asks: “How can you ignore Allah when you meditate his creation? How can people ignore death when they see people die daily in front of their eyes?”

There are open alternatives for all people, and especially those who engage in negotiations. Alternatives must remain open and consultations must be made before making any commitment: “One who assents or subscribes to the actions of a group or a party is as good as having committed the deed himself.”¹⁰⁵

‘Alī also calls for consultations before decision-making, and he advises against tyranny of opinion: “One who is willful and conceited will suffer losses and calamities and one who seeks advice can secure advantages of many counsels.”¹⁰⁶

When taking a decision that may reflect on one personally or one’s family, city, company or institution, or even the country that one represents, a well-prepared set of your alternatives is imperative. The decision-maker, who, at the

¹⁰⁴ Ibid., p. 175.

¹⁰⁵ Ibid., p.178.

¹⁰⁶ Ibid., p. 178.

same time, is the senior official who appoints negotiators, should not be tyrannical in his opinion and should listen carefully to the opinions of others. He should also conduct as many consultations as possible. Imam 'Alī sums up with a wise saying which can be a basis for the elements of alternatives and decision-making: "Who seeks advice can secure advantages of many counsels." There is power and responsibility in consultation. There is also knowledge, caution, and in-depth examination of all the aspects of the issue in question on which we are expected to take a decision on the basis of the alternatives available to us.

Imam 'Alī warns and requests us to think preventively, "Often inordinate desire to secure a single gain acts as a hindrance for the quest of many profitable pursuits." Therefore, we are told that we should not give up our rights when developing alternatives and we should avoid alternatives that may prevent us from gaining our rights. On the consequences of deficiency, the Imam says: "Deficiency will result in shame and sorrow but caution and foresight will bring peace and security."¹⁰⁷ He then instructs his readers about the sequence of human actions and their consequences, "One who takes account of his shortcomings will always gain by them; one who is unmindful of them will always suffer. One who is afraid of the Day of Judgment, is safe from the Wrath of Allah. One who takes lessons from the events of life, gets vision; one who acquires vision becomes wise and one who attains wisdom achieves knowledge."¹⁰⁸ This is a logical sequence of the actions we undertake as a result of the alternatives we develop and decisions we take. Life is like farming. If we plant an orange tree we should not expect it to yield apples and if we plant an olive tree we must not expect it to yield lemons.¹⁰⁹

Imam 'Alī emphasized that the list of alternatives is never ending and that there are always opportunities to think creatively and propose new alternatives on the basis of accurate understanding of our actions and their results. According to Imam 'Alī, alternatives must secure the interests of negotiating parties. He also urges us to separate between the process of development of alternatives and decision-making. The two processes serve to put forth and develop ideas

¹⁰⁷ Ibid,.. p.. 179.

¹⁰⁸ Ibid,.. p.. 181.

¹⁰⁹ Khalid, Khalid Muhammad, *Fī riḥāb 'Alī. (With 'Alī).*

that function as a common ground that both parties seek to achieve, in order to secure their interests.

Legitimacy

Is there a common denominator between legitimacy as propounded by “Roger Fisher” and that of Imam ‘Alī, taking into account that Islam, according to Muslims, is an all-comprising universal religion?

According to Imam ‘Alī, legitimacy is based on interests and on the goals as set down in the Holy Qur’an: “We have already sent Our messengers with clear evidences and sent down with them the Scripture and the balance that the people may maintain [their affairs] in justice.”¹¹⁰ Justice is the common ground and the interests which each party tries to achieve in negotiations. According to ‘Alī, justice is the pillar for legitimacy and is the easiest and fastest way to resolve problems.

There may be a strong and weak party engaging in the negotiations process and the stronger party may believe their power enables them to impose or dictate a resolution. But the stronger party must not think of imposing a resolution single-handedly because problems are never resolved unless they are based on just criteria and a mutual give-and-take process that will end the conflict, or at least prevent further escalation of it.

At the same time, it is not imperative that everything put forth from one side is just and fair for the other party or vice versa, because legitimacy today is based on international law or other criteria that have been established earlier, such as a government coalition that agrees on alternating the prime ministry between two main parties.

But for Imam ‘Alī, legitimacy has been revealed in the Holy Qur’an and the *Sunnah*: “If the right usurped from us is given back to us we shall take it, otherwise we shall go on claiming it.”¹¹¹ That is to say we are humiliated if we are not given our right as we then become like captives or slaves. Moreover, according to ‘Alī, legitimacy entails recognition of the rights of people and refraining from prejudicing them. Prejudicing the rights of people has always

¹¹⁰ The Holy Qur’an. Surat al-Hadid, verse 24.

¹¹¹ Al- Rādī, *Nahj al-balagha (Peak of Eloquence)*, p. 167.

been a cause for uprisings, wars and agitation. The Imam says: "Indeed, the most worthy of Abraham among the people are those who followed him [in submission to Allah] and this prophet, and those who believe [in his message]." He adds: "Nearest to the prophets are those persons who listen to those prophets and obey them". As he said this, Imam 'Alī cited a passage from the Holy Qur'an: "Best liked by Abraham and nearest to him were the people who obeyed him". He also said: "That the present times are the times of our Holy Prophet and his faithful followers. The best friend of our Holy Prophet is he who, though not related to him, obeys the orders of Allah, and his greatest enemy is the man who, though related to him, disobeys Allah". In other words, kinship to Prophet Muhammad is not based on blood but on obedience to Allah.

'Alī sums up the rules and principles of legitimacy as follows:

*"No wealth is more useful than intelligence and wisdom; no solitude is more horrible than when people avoid you on account of your vanity and conceit or when you wrongly consider yourself above everybody to confide and consult; no eminence is more exalting than piety; no companion can prove more useful than politeness; no heritage is better than culture; no leader is superior to Divine Guidance; no deal is more profitable than good deeds; no profit is greater than Divine Reward; no abstinence is better than to restrain one's mind from doubts (about religion); no virtue is better than refraining from prohibited deeds; no knowledge is superior to deep thinking and prudence; no worship or prayers are more sacred than fulfillment of obligations and duties, no religious faith is loftier than feeling ashamed of doing wrong and bearing calamities patiently; no eminence is greater than to adopt humbleness; no exaltation is superior to knowledge; nothing is more respectable than forgiveness and forbearance; no support and defense are stronger than consultation."*¹¹²

These are the pillars of legitimacy: intelligence, piety, politeness, good deeds, deep thinking and prudence, humbleness, patience, forgiveness, forbearance and consultation. 'Alī sums up the main rule for legitimacy, "One should not obey anyone against the commands of Allah."¹¹³ A natural question that arises is whether there is a scale for legitimacy, or any limits for legitimacy that negotiating parties have in common.

¹¹² Ibid., 174.

¹¹³ The sayings of Imam 'Alī quoted in Al- Rādī, *Nahj al-balagha (Peak of Eloquence)*. Hadīth Sahih Muslim interpreted by Nawawi, 12/266 and Al-Bukhari Fath Al-Bari.

Nowadays, countries are compelled to comply with international law and Security Council decisions (Chapter VII of the UN Charter) and if a country fails to comply, a war may be waged against it. However, some countries do not comply with international law and are treated as if they were above it. Hence putting the foundation of legitimacy in negotiations is a relative matter. In the case of Iraq, for example, wars were declared based on Chapter VII in 1991 and 2003¹¹⁴.

Legitimacy for ‘Alī was crystal clear and well-defined. The central requirement was to follow the injunction of the Holy Qur’an and the *hadīth*. However, matters during the time of ‘Alī were relative and this will become clearer during our discussion of arbitration as one of the elements of negotiations.

But matters are clear and Allah instructs people to do justice, for without justice there will be oppression and injustice. The Holy Qur’an says: “And we sent down iron, wherein is great military might and benefits for the people.”¹¹⁵

Limits, punishment and other legitimate penalties contribute to the making of justice. Iron is the same material of which swords and weapons are made. In addition, seeking to achieve justice and truth may cause conflict among people.

What is important is that legitimacy, for ‘Alī and the other companions of the Prophet, means shunning injustice, as is the case with pertinent international law instruments. Stamping out injustice does not require statements and promises but decisions and practical measures that contribute to doing justice to the oppressed and giving people their rights. Therefore, when a party puts forth its ideas, it should make sure it is ready to do so in front of an impartial arbitration committee. The other party has to think deeply about the ideas put forth and thus all of your propositions must be legitimate.

Commitment

Imam ‘Alī, way before Roger Fisher, names the foundation for commitment as one of the elements of negotiations saying: “When some blessings come to you, do not drive them away through thanklessness.”¹¹⁶ You have to be

¹¹⁴ In the case of Israel, it is treated as a state above the law despite repeatedly failing to implement Security Council resolutions and end its occupation that began in 1967.

¹¹⁵ The Holy Qur’an. Surat al-Hadid. Verse.25.

¹¹⁶ Al- Rādī, *Nahj al-balagha (Peak of Eloquence)*, p. 166.

committed to the rights of others. The Imam also says: “You have been shown, if you only care to see; you have been advised if you care to take advantage of advice; you have been told if you care to listen to good counsels.”¹¹⁷ In other words, one should fortify oneself with loyalty to conventions and fulfill all of his/her commitments.

‘Alī adds: “Do not blame a man who delays in securing what are his just rights but blame lies on he who grasps the rights which do not belong to him.”¹¹⁸ What the Imam is saying here is that a party is not to blame if it fails to secure its own rights, but it is to blame if it does not secure the rights of others. There is a difference between the personal right, which may be ignored, and collective or national rights, which should always be retained. The Imam says: “One who forsakes truth earns eternal damnation.”¹¹⁹ Therefore, whoever fails to meet the rights of other people is on the path to damnation.

On commitment ‘Alī also says: “The least that Allah requires you to do is to obey him” and “Do not fight the truth for it will kill you.” He adds, “There will come a day when people fail to meet their commitments”¹²⁰ and “Do not forget to be good to each other.”¹²¹ “Do not be like misers who are ordered by Allah to give alms but hold firmly onto their wealth.”¹²²

In any negotiation process, parties hold firmly onto their positions and are hesitant to take decisions. One party may as well propose a high ceiling thinking that this will be the best way to avoid giving any concessions. Here one should ask: Are such negotiations feasible? If one party tries to take advantage of the other party and fails to give, then it is difficult to reach common ground, which is necessary for negotiating parties to achieve their interests.

For ‘Alī, the focus is on the type and timing of the commitment. New issues may be put forth which require new commitments. Reaching the commitment stage takes place only when the negotiating parties understand each other’s interests. Besides, every negotiator has to make sure the commitments are not

¹¹⁷ Ibid., p. 178.

¹¹⁸ Ibid., p. 179.

¹¹⁹ Ibid., p. 179.

¹²⁰ Ibid., p. 200.

¹²¹ Ibid., p. 237.

¹²² Khalid, *Fī riḥāb ‘Alī*. (With ‘Alī) and Al- Rādī, *Nahj al-balagha* (Peak of Eloquence)

binding until a final agreement has been reached and that the agreement becomes void unless it is carried out according to a specific timeframe.

The five additional elements according to Imam ‘Alī

We have shown how Imam ‘Alī identified the elements of negotiations that are recognized internationally in our modern world: interests, options, alternatives, communication, legitimacy, commitment and relationships. In addition, ‘Alī identified five additional elements which he accumulated as a result of his own difficult experience in negotiations and the novel situations which he faced. These additional five elements that are not directly recognized in the modern schools for negotiations¹²³: Knowledge; Leadership and responsibility; Variables; Patience and consistency; and Justice

An attempt will now be made to demonstrate the significance of each of the additional five elements. I am fully convinced that the day will come when modern schools will add these five elements to the seven elements already discussed, without necessarily referring to Imam ‘Alī as a major contributor to humanities, including the science of negotiations.

Knowledge

The Commander of the Faithful (*Amir al-mu’minin*), Imam ‘Alī, was the first to enter into Islam after Khadījah (c.555-620 C.E.), Prophet Muhammad’s first wife. As a child, ‘Alī realized, as do Muslims, that the miracle of the Messenger of Allah was revealed in the Holy Qur’an. The Qur’an calls on people to “Recite in the name of your Lord who created man from a clinging substance. Recite, and your Lord is the most Generous, who taught by the pen, taught man that which he knew not.”¹²⁴ The first word Allah sent with Angel Jibrīl (Gabriel) to transmit to the Messenger of Allah was “Recite.” ‘Alī heard Muhammad say, “Whoever seeks the world must look for knowledge; whoever seeks the afterlife must look for knowledge; and whoever seeks both must look for knowledge.” To Muslims, the miracle of the Messenger of Allah, which is the Holy Qur’an, is a scientific, cultural, legal, historic, geographical, political, financial, commercial, social, military, peaceful, ethical, and humanitarian

¹²³ Although some of these elements were mentioned by ancient philosophers they were never classified systematically as elements of negotiations.

¹²⁴ The Holy Qur’an. Surat Al-‘Alaq. Verses 1-5.

miracle. In fact, the Holy Qur'an highlights the relationship between faith and science: "Allah will raise those who have believed among you and those who were given knowledge, by degrees"¹²⁵ and "Say, 'Are those who know equal to those who do not know?' Only they will remember [who are] people of understanding."¹²⁶ A common saying by Prophet Muhammad that appears frequently is "Seek knowledge even in the remotest area of the world."¹²⁷ A similar saying attributed to the Prophet is "Seek knowledge from the cradle to the grave."¹²⁸ The Prophet Muhammad also said: "Seeking knowledge is an obligation for all Moslems."¹²⁹¹³⁰

According to Imam 'Alī, the foundation of knowledge lies in training the mind to do scientific research, seek facts, pose queries and look for the minute details, because information and knowledge constitute an element of power in negotiations. A lack of knowledge means a lack of power.

For 'Alī, the scientific mind means the ability to comprehend that ends are related to beginnings, and that the foundation of science is the precise connection of all the stages of development of any kind of action we undertake. Lack of connection will result in failure, deterioration, confusion and regression.

In the view of this author, Fisher's school's identification of the seven elements of negotiation is incomplete because it tries to understand the concepts of monotheistic religions using a human analytical approach, with drastic results causing more conflicts and wars¹³¹. For example, Zionist intellectuals have utilized religious concepts for their own purposes, causing insecurity, conflict and instability in the Middle East and, in some cases, beyond the Middle East region.

¹²⁵ The Holy Qur'an. Surat Al-Mujadila. Verse 11.

¹²⁶ The Holy Qur'an. Surat Al-Zumar. Verse 9.

¹²⁷ This is not *hadīth*. Ibn Hayyan said this is false and groundless *hadīth*. Sheikh Albani said the saying has been attributed to the Prophet (pbuh).

¹²⁸ This is not a *hadīth*, but it is a saying transmitted among people by word of mouth.

¹²⁹ *Hadīth sahih* Akhrajā ibn Majed.

¹³⁰ This book is not dedicated to discussing the Holy Qur'an as a scientific miracle. It does not focus on the scientific aspect of the *Sunnah* of the Prophet Muhammad. However, we have cited these verses and sayings in order to be able to identify one of the main elements of negotiations and communication among people.

¹³¹ There are among "westerners" who do believe that principles should overcome interests during negotiations. See Alex Chediak "Closing The Deal – Christians and Negotiation".

http://www.alexchediak.com/2009/02/closing_the_deal_christians_an.php

Absence of the rule of God from the seven elements of negotiations makes them deficient and incomplete, and consequently they impede reaching a common ground based on the common interests of the negotiating parties. Common grounds and common interests can be secured through knowledge and the absence of injustice and circumvention. For Imam 'Alī, knowledge is based on his saying, "Knowing Allah is the most sublime kind of knowledge."

Imam 'Alī urges people to search, scrutinize, examine and learn from history. For 'Alī, fortification takes place through knowledge and science: "Enliven your heart with sermons, and present to him news of the past and what happened to your predecessors, follow their steps and see what they did, where they went and stayed as if you were one of them."¹³² We can see the wisdom in having to know the minutest details. It is important to study people and their history so that you know them well as if you were one of them.

'Alī realized that interaction and communication, including negotiations among people, cannot be limited to preparing oneself and one's delegation or team. One must know the minutest details about the other party. It is not possible to engage in successful negotiations or retain interests or find common ground without accurate understanding of the other party's interests. This can be done through inquiry and knowledge.

There is a holistic and complete link between time and place and this cannot happen without knowledge. Imam 'Alī and the companions of the Prophet stressed the universality of the message of Islam: "O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you."¹³³ This is the religion of Islam that calls for liberation from the shackles of bigotry and racism. The most noble of the people in the sight of Allah are the righteous. All forms of fanaticism and racism are rejected by Islam. There is no difference between black and white, Arab and non-Arab, eastern and Western, Asian and Latin, or African and European.

According to Imam 'Alī, and to the other companions of the Prophet, knowledge is one of the main pillars of negotiations. They believed that people

¹³² Al- Rādī, *Nahj al-balagha (Peak of Eloquence)*, p. 136.

¹³³ The Holy Qur'an. Surat Ak-Hujurat. Verse 13.

belong to races, tribes and nations that have to communicate, interact and know each other on the basis of the *sharī'ah* provisions. In order for communication among people to be effective, they must reach a common ground in any negotiation process. They must inquire and gain knowledge and avoid fanaticism, superiority and incitement.

Regarding fanaticism, 'Alī says: "If inevitably you should become fanatics, be fanatics in the support and advocacy of the truth and relief of the needy."¹³⁴ Support and advocacy of the truth, as well as the relief of the needy, constitute the main point in forming a common ground for interaction and communication among people.

Imam 'Alī is responsible for a number of sayings which identify knowledge as one of the main pillars of negotiations including the following:

- "An ignorant person will always overdo a thing or neglect it totally."¹³⁵
- "Those who achieve knowledge will remain alive through their knowledge and wisdom even after their death."¹³⁶
- "One who seeks advice learns to realize his mistakes."¹³⁷
- "Whoever keeps on disputing every argument on account of his ignorance, will always remain blind to truth, whoever deviates from truth because of ignorance, will always take good for evil and evil for good, and he will always remain intoxicated with misguidance."¹³⁸
- "In-depth thinking will present the clearest picture of every problem."¹³⁹
- "Knowledge is better than wealth because it protects you, while you have to guard wealth."¹⁴⁰
- "Deficiency will result in shame and sorrow, but caution and foresight will bring peace and security."¹⁴¹ In other words, the mind gets bigger and bigger as one increases and expands his knowledge.
- "Intermittent work is the excuse of the less knowledgeable and sick."¹⁴²

¹³⁴ Al- Rādī, *Nahj al-balagha (Peak of Eloquence)*, Provision 122.

¹³⁵ Ibid., p. 160.

¹³⁶ Ibid., p. 177.

¹³⁷ Ibid., p. 179.

¹³⁸ Ibid., p. 168.

¹³⁹ Ibid., p. 193.

¹⁴⁰ Ibid., p. 177.

¹⁴¹ Ibid., p. 181.

¹⁴² Ibid., p. 188.

Describing the miserable conditions of people, the Imam says: “The ignorant rush into action without thinking, the knowledgeable are thoughtful and patient.”¹⁴³. The Imam adds, “Miserable are those who are ignorant.”

Leadership and responsibility

For ‘Alī, leadership and responsibility are founded on the ability to organize work and to show mercy, patience, and forgiveness.. There can never be leadership or a leader on top of the pyramid without accurate organization of the work to be completed. Proper organization is the key to sound leadership so that it does not allow for spontaneity, indifference and confusion in decision-making. Chaos within a community, governance, ministries, institutions, companies or universities, or chaos in negotiations, results in weakness, division and confusion. In contrast, organization generates strength, unity, teamwork, coordination and cooperation.

According to Imam ‘Alī, leadership and organization are considered the main foundations for negotiations. Without internal organization and strong leadership it will be difficult to launch negotiations effectively. Every person must know his or her role, position and rank because mandate sets the limits for everything. Whoever fails in terms of knowing their mandate and position can be likened to the person who blocks water wells for farmers, or destroys electric generators in hospitals, or sends children to university and adolescents to nurseries.

Throughout his life, ‘Alī worked to bring about balance between organization and leadership. He says: “Words of truth rendered ineffective and void; there is need for a righteous or licentious *amir* [commander].”¹⁴⁴ There is need for an *amir* irrespective of his character, aspirations, commitments and morals. The worst situation in which people can live is to have multiple *amirs* or authorities.

But ‘Alī also realized that it was wrong to obey any person whose demands contradicted the teaching of Allah. He knew well the popular saying of the Messenger of Allah: “One should not obey anyone against the commands of Allah.” According to ‘Alī, obedience should not be blind obedience; it has its

¹⁴³ Khalid, Khalid Muhammad, *Fī riḥāb ‘Alī*. and also Al- Rādī, *Nahj al-balagha (Peak of Eloquence)*

¹⁴⁴ Al- Rādī, *Nahj al-balagha (Peak of Eloquence)* , p. 18.

own limits. However, 'Alī talks about obedience to one's parent or guardian if he is fighting against relatives and uncles who act against the commands of Allah. The Imam says: "We were with the Messenger of Allah and his God, killing our parents, children, brothers and uncles and that strengthened our faith and perseverance and patience to reject pain."¹⁴⁵

The role of leadership is to keep people united and utilize their energy, capabilities, human and natural resources for their own good. Nations that lack proper organization and good governance are in danger of having multiple authorities, which is the most dangerous disease that can inflict a nation. Imam 'Alī comprehended the balance of authorities. "Whoever wants to be a leader should educate himself before educating others. Before preaching to others he should first practice what he preaches. Whoever educates himself and improves his own morals is superior to the man who tries to teach and train others."¹⁴⁶ The Imam adds, in the same context: "One, who is willful and conceited will suffer losses and calamities."¹⁴⁷

Imam 'Alī rejected tyranny of opinion in all its forms and he considered the tyrannical ruler a source of destruction and calamity to his people. In addition, when talking about leadership, 'Alī establishes the crucial role of a task force without undermining the role of the leader. The leader has to meet several requirements based on a structured organization, whereby each member in the task force knows the nature of his or her task. This is the road to success. 'Alī says: "One who takes lessons from the events of life, gets vision, one who acquires vision becomes wise and one who attains wisdom achieves knowledge."¹⁴⁸ Good vision is the result of consultation and listening to the opinion of other people. Tyranny of thought constitutes a risk to the country and individual. Therefore, the ruler or head of the task force must not be tyrannical in his thoughts. The Imam says, "If you want to remove evil from the minds of others you have first to give up evil intentions."¹⁴⁹ He adds: "Obstinacy

¹⁴⁵ Ibid., p. 22.

¹⁴⁶ Ibid., p. 170.

¹⁴⁷ Ibid., p. 178.

¹⁴⁸ Ibid., p.. 181.

¹⁴⁹ Ibid., p.. 179.

will prevent you from a correct decision.”¹⁵⁰ In other words, not listening to what others have to say disables decision-making.

Highlighting leadership, responsibility, team spirit, legitimacy and wisdom, Imam ‘Alī says: “When I feel angry with a person how and when should I satisfy my anger, at a time when I am not in a position to retaliate and people may advise me to bear patiently, or when I have power to punish and I forgive.”¹⁵¹

Forgiving is good when one is able to forgive. Patience is even better. Feelings of anger are not good at all. These are the rules for leadership and organization from the viewpoint of ‘Alī. Moreover, leadership and responsibility are two main pillars for human communication and negotiations. There cannot be any preparation, identification of interests, options and alternatives, nor legitimacy and communication, without hierarchical leadership based on clear and specific organization. This is not an administrative matter, despite the significance of administrative aspects. But the whole matter is more related to leadership and responsibility, without which there can be no negotiations. According to ‘Alī, leadership and responsibility are as important as the other seven components or elements of negotiations, and in this respect he urges self-accountability and organization. “One who takes account of his shortcomings will always gain by it; one who is unmindful of them will always suffer. One who is afraid of the Day of Judgment, is safe from the Wrath of Allah. One who takes lessons from the events of life, gets vision, one who acquires vision becomes wise and one who attains wisdom achieves knowledge.”¹⁵²

What is important for ‘Alī is to keep away from tyranny. The tyrannical ruler or team leader does not take account of his own shortcomings. A good leader fosters team spirit and checks his thoughts.

Variables

Life is in a permanent state of becoming and changing. In order to shed light on variables as an element of communication and negotiations, Imam ‘Alī says, “Every additional day in one's life is a day reduced from the total span of his

¹⁵⁰ Ibid., p.. 179.

¹⁵¹ Ibid., p. 180.

¹⁵² Ibid., p. 181.

existence,”¹⁵³ “Adversities often bring good qualities to the front,”¹⁵⁴ “The world was created for others not for itself”¹⁵⁵ and “Your children were born with morals other than yours because they belong to a different age.”¹⁵⁶

According to Imam ‘Alī, the vitality and agility of nations and peoples depend, to a large extent, on their interactions and movements, which confront and prevent stagnation or recession. Societies must be creative and must be led by a leader who possesses all the necessary tools to perform all tasks and achieve goals.

The process of change means the overlap of thought and principle, and theory and practice. It starts with the recognition of the inevitability of change and takes into consideration the effect of variables on our positions before they occur. This brings about a question of how one can adapt positions on the basis of recognition and understanding of the nature of variables.

Imam ‘Alī teaches us that man lives in a constant state of change and becoming, i.e. an interaction process between the past, present and future. Such interaction is followed by the mind, which is the highest faculty in man. The mind also tells man what to do and how to act. There is no doubt that ‘Alī understood the importance of variables as he says: “Thus do we detail the [Qur’anic] verses for a people who use reason.”¹⁵⁷ In other words, we show clearly, and in detail, the verses to those who use their reason. The mind or reason connects incidents and achieves some sort of integration of matters which leads to the integration of judgments and decisions. Every idea we propose is followed by a new idea and we are keen on keeping the process of development of ideas in our minds as we propose what we believe to be our interests.

For ‘Alī, the limits of God are the same as the constant interests that cannot be overridden. Likewise, no ideas of offers or position that go beyond those limits may be proposed. The focal point for ‘Alī is “the limits of Allah.”

¹⁵³ Ibid., p. 180.

¹⁵⁴ Ibid., p. 181.

¹⁵⁵ Ibid., p. 200.

¹⁵⁶ A saying attributed to ‘Umar Al-Khattab (). The saying had different versions.

¹⁵⁷ The Holy Qur’an. Surat Al-Rum. Verse 28.

Every negotiator must have the ability to understand the variables and other developments and therefore extrapolate the future. The experience of ‘Alī, which included times of misery, division, wars and disobedience, urged him to visualize a difficult future for Muslims. “There will come a time when nothing of the Qur’an remains except its shape, nothing of Islam except its name. Mosques will be filled with the ruins of guidance, the population and builders the most evil on the earth and from them sedition and sin emanate.”¹⁵⁸

If one looks around and sees what is happening today, one could believe that Imam ‘Alī had already seen what would happen to Muslims throughout the years. The scenes we witness today in the Islamic world are those of division and fragmentation, which includes horrific acts such as blowing up mosques over the heads of worshippers. Disagreements among Muslims do not include the declaration of faith ‘there is no God but Allah and Muhammad in His Messenger’. Every Muslim declares his faith every morning and evening. There is no disagreement about the five prayers or the *hajj* (pilgrimage) or *zakāt* (giving alms), or *ṣawm* (fasting) during Ramadan. Muslims do not disagree about the Holy Qur’an. And yet, mosques are blown up and worshippers are slaughtered.

It will be seen that, by accepting arbitration, Imam ‘Alī was ready to pay a high price for keeping the nation united and for keeping the guidance of Allah. ‘Alī’s son, Ḥassan ibn ‘Alī, did a similar thing when he passed the succession over to Mu‘āwiyah Abu Ṣufyān in 661 C.E.

In anchoring the pillars of variables or understanding that things do not stay the same and that matters are in a constant state of becoming, ‘Alī says: “O son of Adam, if you have collected anything in excess of your actual need, you will act only as its trustee for someone else to use it.”¹⁵⁹ In other words, do good deeds, the benefit of which will last and have an impact on the variables in line with change for the better. Do not wait for others to use what you have, but use it yourself without delay because change is inevitable and you have to be part of it if you want to be part of progress and future development.

¹⁵⁸ Al- Rādī, *Nahj al-balagha* (Peak of Eloquence), p. 194.

¹⁵⁹ Ibid., p. 184.

Imam 'Alī reached the minutest details of the human soul: what it can or cannot bear. He says, "People sleep on bereavement but do not sleep on wars."¹⁶⁰ In other words, people can put up with the death of a dear relative but cannot be patient with the loss of property and money. It is the knowledge of the results of your actions or the knowledge of variables resulting from what we do.

The effects of variables on people differ. Upon receiving the news of the death of Muhammad Abu Bakr, 'Alī said: "Our grief for his death is equal to their joy, but they have lost a repugnant person and we have lost a dear one." In the view of Mu'āwiyah ibn Abu Ṣufyān, the killing of Muhammad ibn Abu Bakr was good news because he was his enemy. But for 'Alī and others it was sad news. Judging in terms of variables, some had gotten rid of an enemy while others had lost a dear friend.

'Alī also says: "Nations of good opinion endure while nations of poor opinion do not last."¹⁶¹ The integrity of nations depends on the sublimity of their thoughts and use of reason and ability to extrapolate variables. Nations that cannot read the future will live in confusion and chaos.

Patience and consistency

Establishing the element of patience and perseverance, Imam 'Alī says: "The structure of faith is supported by four pillars: endurance, conviction, justice and jihad... Endurance is composed of four attributes: eagerness, fear, piety and anticipation."¹⁶² The Imam also says, "Your supremacy over others is in proportion to the extent of your knowledge and wisdom" and "Forbearance will conceal many defects."¹⁶³ Forbearance here means to put up with harm. Imam 'Alī describes forbearance as a grave in which all defects are buried. Therefore, we can clearly see that 'Alī stresses patience and perseverance as a main pillar for communication and negotiations among people. Patience is also one of the pillars of faith and the way to victory. In fact, it is the beating heart of politics and relations among people and nations. 'Alī learned about the

¹⁶⁰ Ibid., p. 189.

¹⁶¹ Ibid.

¹⁶² Ibid., p. 167.

¹⁶³ Ibid., p. 166.

virtues of patience and perseverance from Prophet Muhammad who said, "Victory is brought about by patience." 'Alī reiterates the same concept saying, "Patience is of two kinds: patience over what pains you, and patience against what you covet."¹⁶⁴

Once again, Imam 'Alī highlights the element of patience and consistency by talking about body language: "The granting of patience (from Allah) is in proportion to the extent of calamity through which you are passing. If you exhibit fretfulness, irritation, and despair in calamities, then your patience and your exertions are wasted."¹⁶⁵ Calamities strike people and the harsher the calamity is, the more patience is required. In addition, Imam 'Alī warns against using body language (such as hitting the thigh with the palm of your hand) because it is a sign of nervousness, weakness and despair.

One can imagine a person sitting with a group of people holding his hand up and hitting his thigh in an agitated manner. For 'Alī, this is a despicable and unacceptable gesture preventing people from achieving good results.

The Imam says: "Patience is a kind of bravery; to sever attachments with the wicked world is the greatest wealth; piety is the best weapon of defense."¹⁶⁶ Patience, according to Imam 'Alī, is resistance to calamities and fear is an adversity. If you wish for nothing then you have decided to do without anything."

Once again, 'Alī talks about body language as a main component of patience and consistency, "Silence will create respect and dignity; justice and fair play will bring more friends."¹⁶⁷ Justice and fair play will bring more friends and silence makes a person more revered and respected. At the burial of the Prophet Muhammad, the Imam says, "Patience is good and fear is ugly; calamities before and after your death are bearable." 'Alī says that calamities before and after the death of the Prophet Muhammad will be easy and bearable, but at the same time he says that patience has limits. He could not behave according to the principles of patience and consistency at the time of the burial of the Messenger of Allah, but this does not mean he could not

¹⁶⁴ Ibid., p. 170.

¹⁶⁵ Ibid., p. 176.

¹⁶⁶ Ibid., p. 181.

¹⁶⁷ Ibid., p. 182.

distinguish between a severe calamity such as the death of the Muhammad and other calamities that took place earlier. Other calamities would be bearable compared to the greatest calamity of the death of the Great Prophet.

Imam 'Alī goes into great detail when talking about patience and consistency as elements of communication and negotiations: “Who asks for something will have it or have part of it.”¹⁶⁸ This means that whoever asks for something and works to get it patiently and with perseverance will eventually achieve it or part of it. The Imam also says, “Be patient as a free man and be not like the ignorant who have no experience in life.”¹⁶⁹ Patience is a virtue and those who do not have it will act as ignorant people who have very little or no experience in life.

Justice¹⁷⁰

Again, the notion of justice was not an element of negotiations for Roger Fisher, but a main ingredient for the success of negotiations according to Imam Ali, Justice, according to Imam 'Alī, is the foundation for lasting relationships, balanced agreements, contracts and conventions that are based on legitimacy. When asked about justice, 'Alī said, “Justice also has four aspects: depth of understanding, profoundness of knowledge, fairness of judgment and clearness of mind.”¹⁷¹ 'Alī adds: “Whoever triumphs and wins by evil is a loser.”¹⁷² In other words, if victory is achieved through wicked means it will lead to great losses and whoever wins without justice will be defeated.

The Imam warns: “Use justice and beware of tyranny and injustice. Injustice causes bitterness and tyranny leads to the sword [war].”¹⁷³ The rebellion of those who are treated unjustly and are oppressed will have harsher consequences for the oppressor than the injustice caused by him. Things can be straightened through justice alone. Injustice is the cause of division, wars and conflicts. It cannot last forever no matter how strong those who exercise it are.

¹⁶⁸ Ibid., p. 195.

¹⁶⁹ Ibid.

¹⁷⁰ The notion of justice was discussed and mentioned by many “western” and non-western thinkers but not by Fisher in his elements of negotiations,

¹⁷¹ Ibid., p. 167.

¹⁷² Ibid., p. 191.

¹⁷³ Ibid., p. 291.

‘Alī says: “Oppression and tyranny are the worst companions for the Hereafter.”¹⁷⁴ Justice is founded on certainty. The Imam adds, “Unjust men can be distinguished by three signs: they do injustice to their superiors through disobedience, to their inferiors through control, and they patronize unjust men.”¹⁷⁵

An unjust man disobeys Allah and his superiors. An unjust man controls and oppresses his inferiors. An unjust man helps and supports those who exercise injustice.

Imam ‘Alī also highlights justice as one of the main components of communication and negotiations, “Truth is bitter and falsehood is mild.”¹⁷⁶ Justice and truth may be costly but they have good results while falsehood though light and bearable has drastic consequences.

According to the Imam, justice is the foundation for balanced agreements among nations: “Who exaggerates enmity commits an act of injustice, and whoever undermines it is oppressed. Those living in conflict and enmity cannot worship Allah.” Moderation leads to justice.

Oppression and depriving people of their rights cause conflict. ‘Alī teaches that there is nothing wrong if a person delays the acquisition of his own rights but there is much shame in a person who delays giving other people their rights. He explains: “Do not blame a man who delays securing what are his just rights but blame lies on he who grasps the rights which do not belong to him.”¹⁷⁷ He adds: “Two things you should be aware of: long hope and desire. Long hope will make you forget the afterlife and desire will make you block the truth,”¹⁷⁸ and “The oppression of the weak is the worst form of oppression.”¹⁷⁹

Relationships that are not based on justice do not last. If a strong party believes that it can agree with weaker persons by dictating conditions to them, the stronger party is, in fact, exercising the worst form of injustice. Agreements not

¹⁷⁴ Ibid., p. 188.

¹⁷⁵ Ibid., p. 192

¹⁷⁶ Ibid., p. 195.

¹⁷⁷ Ibid., p. 179.

¹⁷⁸ Ibid., p. 19.

¹⁷⁹ Ibid., p. 140.

based on justice will not endure irrespective of the imbalance of power between the parties involved.

Imam 'Alī consolidated justice as an element of negotiations and communication saying: "Know that you live in a time where few tell the truth, the tongue refrains from saying the right thing and supporters of justice are very few."¹⁸⁰ He highlights the culture of justice saying, "Do justice to Allah and to people, especially your family and those whom you like from your community, because if you do not you will commit an act of injustice. Whoever does injustice to other people does the same to Allah... Allah will wage war against him until he repents. Allah hears the calls of the oppressed and He looks out for oppressors."¹⁸¹ He adds: "Be moderate in the exercise of the truth and justice for the satisfaction of the community. Public and private rights must be maintained and each member of the community must be treated justly."¹⁸²

No agreement or convention can last if it is not founded on justice. For this reason 'Alī included justice as one of the main elements of negotiations, communication, agreements and treaties. Justice is essential for agreements between people, peoples and nations and nations with other nations.

Finally, it must be mentioned that, when talking about justice, Imam 'Alī based his argument on the saying of God: "Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice. Excellent is that which Allah instructs you. Indeed, Allah is ever Hearing and Seeing."¹⁸³ Again, this exemplifies the importance of consulting with religious principles as opposed to Fisher who purposefully ignores their inclusion.

Characteristics of the negotiator according to Imam 'Alī

In addition to the elements of negotiations, Imam 'Alī talks about the characteristics a negotiator must have. The negotiator is not a decision-maker and he should not be. He is simply delegated by his institution to act as a negotiator.

¹⁸⁰ Ibid., p.. 413.

¹⁸¹ Ibid., p. 150.

¹⁸² Ibid. pp. 492-493.

¹⁸³ The Holy Qur'an. Surat Al-Nisa'. Verse 58.

The negotiator is an agent for decision-makers. But what happens when decision makers meet in order to negotiate a particular issue? A decision-maker, even if he is the head of a state representing the interests of that state, must be modest and must refrain from claiming he can take decisions, put forth propositions, identify the common ground and suggest criteria for concessions. He must not act except after consultation with the leadership of his country. It would be better for the head of the state to say that he has to go back to his leadership or parliament or board. There is no harm in the negotiator saying that he is part of the decision-making process, but he is not the ultimate decision-maker. This will enhance the opportunity to maintain the interests of his country and build a common ground on the basis of give and take, in order to reach a win-win situation.

Imam 'Alī tells us about the characteristics of the negotiator, or whoever is delegated to communicate with other parties on behalf of a community. He lays importance on the loyalty of the negotiator to the party that he represents. He believes a negotiator must have soundness of mind and be rational, cultured, knowledgeable, patient, consistent, courageous, humble, and well mannered. A good negotiator, according to the Imam, is one who avoids conflict of interests.

Imam 'Alī demonstrates the characteristics of the negotiator in his letter to Abu Mūsā Al-'Ash'arī when the latter was selected for arbitration: "Verily there are many people in this world who have forsaken their salvation and in its place they have accepted the pomp and pleasure of worldly life. They are being driven by their unruly and inordinate desires and they work and speak only on behalf of these desires.

This affair has placed me in an awkward position. The people, who have united against me, are those who want everything out of this vicious and wicked world for themselves and for their pleasures. They have drawn their swords against me. I am trying to undo the harm they have done but I am afraid, as the problem may become very serious and unresolvable.

You know very well that no one is more desirous of the unity of Muslims than I, and the only thing that I want to achieve by this unity is the Blessings of Allah and my salvation. I shall do what I have resolved to do, even though you

change the good opinion which you had about me when we last parted. Surely, unfortunate is he who possesses wisdom and acquires experience and yet does not care to make use of either.

I cannot tolerate lies and I cannot bear to see people undoing the good done by Allah through Islam.

Therefore you should give up forming opinion about things which you have not clearly understood or visualized, because many people will try their best to influence you with their insinuations.”¹⁸⁴

The characteristics of a negotiator also appear in a letter to ‘Abdallah ibn Al-‘Abbās (c. 619-687 C.E.) when he was sent by ‘Alī to negotiate with the *Khawārij*¹⁸⁵:

“Do not argue with them on the Holy Qur’an, for it has different interpretations. Argue with them using uncontroversial argument.”¹⁸⁶

In summary, the following list includes the main characteristics of a negotiator as set down by Imam ‘Alī:

- Loyalty and integrity: Rebellion and relinquishing the truth are tantamount to treason. Loyalty generates positive results for the common good while treason brings about destructive consequences both domestically and externally, especially if the other party with whom you have an agreement proves to be disloyal and rebellious.
- Commitment: Carrying out the obligations you have promised.
- Caution, upholding the truth, keeping the common good, and not falling into the trap that others may dig for you.
- The negotiator represents the decision-maker and whatever he signs or agrees on will be approved and accepted by the decision-maker.
- Avoid talking about things you know nothing about.
- Do not base your argument on premises that can be open to different interpretations, even if you cite the Holy Qur’an, since it is subject to different interpretations and has several meanings. Base your argument on solid premises that cannot be controversial.
- Do not show off or show arrogance or be conceited. Respect yourself and others and uphold team spirit. ‘Alī says, “Beware of arrogance,

¹⁸⁴ Letter of Imam ‘Alī to Mousa Al-Ash’ari in Al- Rādī, *Nahj al-balagha (Peak of Eloquence)*, pp. 534-535.

¹⁸⁵ The Khawārij are a Muslim sect who, after initially supporting ‘Alī’ as Caliph, later rejected his leadership.

¹⁸⁶ Al- Rādī, *Nahj al-balagha (Peak of Eloquence)*

conceit and flattery. They are all opportunities sought by the devil to cause you harm.”¹⁸⁷

- Wisdom, rationality, patience and consistency. Do not act prematurely and do not hesitate when the time comes to act or carry out tasks.
- Do not quarrel about ambiguous issues. Clarity and clear terms of reference are a must.
- Commitment to good morals and patience even in the darkest of circumstances and most difficult situations. A negotiator must not show superiority over other people and must avoid exercising trickery. He must not be frustrated or angry.
- Learn from previous experience and understand changes and developments.
- A good negotiator fosters teamwork. He is modest and enjoys good morals. He must also not overestimate himself: “One who does not realize his own value is condemned to utter failure.”¹⁸⁸ In this respect, the Imam stresses that leadership does not come by inheritance or kinship, “If someone's deeds lower his position, his pedigree cannot elevate it.” So succession to the caliphate does not come by kinship or companionship, and likewise the selection of the negotiator must not be based on kinship or friendship but on competence and capability.
- The negotiator must always be close to the governor or leader or decision-maker. The negotiator takes instruction from him and submits reports to him. ‘Alī gives advice to the negotiator who is close to the ruler or governor, “The person who has authority is like the rider of a lion. He is cautious and is aware of his position.”¹⁸⁹ People are envious of him and wish to have his position. Some may even conspire against him and do him harm. But the person who is close to the governor or ruler is like the one who rides a lion. ‘Alī advises him to be cautious because there is always the possibility that the lion might harm him. He says, “Your mind makes clear to you the path you must take. It is your guide to the right path”, and “The heart is the guide to vision.”¹⁹⁰

¹⁸⁷ Ibid. p. 156.

¹⁸⁸ Ibid. p. 177.

¹⁸⁹ Ibid. p. 187.

¹⁹⁰ Ibid.

The characteristics of the negotiator, according to Imam 'Alī, take into account all of the seven elements of negotiation in addition to knowledge, leadership and responsibility, variables, patience and consistency, and justice. But we cannot consider the characteristics themselves as elements of communication and negotiations.

Reaching common ground and an agreement that takes into account the interests of the party represented by the negotiator requires selecting capable persons who can perform the assigned tasks on the basis of experience, knowledge, courage, loyalty and good morals. On top of this there must not be any kind of conflict between the interests of the negotiator and the tasks he carries out. Moreover, the negotiator must not be a decision-maker.

Imam 'Alī sums up the characteristics of the negotiator saying: “Your messenger is the translator of your mind and your book speaks most eloquently about you.”

A summary of the elements of negotiation according to Imam 'Alī

There are twelve elements of negotiations, including the seven elements of the Fisher school and the five elements of Imam 'Alī. The elements of negotiation according to Roger Fisher are:

1. Alternatives
2. Interests
3. Options
4. Legitimacy
5. Commitment
6. Communications
7. Relationships

The five additional elements of Imam 'Alī are:

8. Knowledge
9. Leadership and responsibility
10. Variables
11. Patience and consistency
12. Justice

In the next chapter, discussion will turn to the main events in the life of 'Alī, not in narrative form, but as they relate to the elements of negotiation.

Chapter Three

Negotiations undertaken by Ali: Examples and case studies

Main events in the life of Imam 'Alī and the twelve elements of negotiation

This chapter provides a deeper understanding of the negotiations undertaken by Imam 'Alī, in terms of the decisions he took, mechanisms of reducing damage, and crisis management operations vis-à-vis the events listed above.

The intention of this chapter is not to provide a chronological narrative of the events, even though they are significant. What this chapter seeks to achieve, is to apply the twelve elements of negotiation to each of the events separately, as case studies.

However, certain facts should be noted and considered. The texts appearing in *nahj al-balagha* (*Peak of Eloquence*) are not necessarily binding, since it is a book of rhetoric and not a historic document. In addition, there is no conclusive evidence that 'Alī is the author of the book. Historiography is also important to keep in mind. Historians writing during the Umayyad Period had different opinions to those writing during the Abbasid Period, particularly on issues such as sedition, for example. Therefore, all sources and historical narratives should be read critically. The Holy Qur'an was revealed in sequence and the *hadīth* was verified as *ṣahīh* (truthful), strong and weak. As for historical narratives, they have been narrated by historians (including Al-Ṭabarī) as the narratives were transmitted to them, but until now these narratives have not been verified, especially those relevant to sedition.

For the purpose of this study, five main events in the life of Imam 'Alī have been selected: Punishing the killers of 'Uthmān ibn 'Affān, deposition of governors, arbitration, deposition of Mu'āwiyah, management of the conflict and the negotiations with Mu'āwiyah

Punishing the killers of 'Uthmān ibn 'Affān

The murder of 'Uthmān and the pledge of allegiance to Imam 'Alī

'Uthmān ibn 'Affān, a companion of the Prophet Muhammad and the third Caliph of Islam, was ruthlessly murdered in 656 C.E. His arm was cut off, he was beaten harshly on his head and stabbed in the belly. The murderers also tried

to sever his head but they were unable due to the interference and cries of his two wives Nā'ila and Um Al-Banīn and his daughters. 'Uthmān, who was husband to two daughters of the Messenger of Allah, and the third Caliph of Islam, was martyred. The murderers shed his blood and looted his property. The crime occurred on Friday 18 of the *hijrī* month of Dhu Al-Hijja.¹⁹¹ He was buried the same night of the day on which he was murdered. Later the murderers broke into the treasury and stole the money.

The murderers were known and they were moving around freely. According to the historical narratives, some people who were known for their integrity were deceived and fell prey to sedition. Although the precise series of events is unclear, there was certainly a state of confusion, chaos, insecurity and multiple authorities.

In his historical account, Al-Ṭabarī relates a story about 'Uthmān ibn 'Affān falling off the podium and being carried to his house unconscious. When Imam 'Alī visited 'Uthmān, he asked Bani Umayyah¹⁹², "What has happened *amir al-mu'minin*?" The Bani Umayyah replied, "O 'Alī, you have caused us harm. Why did you do this to *amir al-mu'minin*? Now that you have achieved your aim, we wish you hard times." 'Alī then left angrily. That year 'Uthmān ibn 'Affān was murdered.¹⁹³

This narrative can be easily refuted. How could Imam 'Alī be unable to challenge this false accusation? Both the narrative and the accusation are contradictory to the piety of the Imam, but it seems that the accusation was uttered by someone who was not taken seriously by the others around him.

All narratives agree that 'Alī was not seeking the caliphate. In fact, he refused it when offered to him, on more than one occasion. Imam 'Alī understood very well the meaning of what the Messenger of Allah said, "Do not seek to have the caliphate. If you seek it, it will be delegated to you, and if you do not seek it, you will assist it."¹⁹⁴

¹⁹¹ The *hijrī* calendar is a lunar calendar, which begins from year of the migration from Mecca to Medina in 622 C.E. His murder took place on June 20th 656 C.E.

¹⁹² The tribe of the Umayyad

¹⁹³ Al-Arabi, Bakr, (*al-'Awāṣim min al-qawāṣim : fī taḥqīq mawāqif al-ṣaḥābah ba'da wafāt al-Nabī*, ed. Muḥibb al-Dīn al-Khaṭīb, 1985) , p. 112. See also Al-Ṭabarī 5:170, 5:130, and 5:155.

¹⁹⁴ Sahih Al-Bukhari 8/106 and Sahih Muslim 3/1456.

Although ‘Alī never sought the caliphate. ‘Uthmān was killed on 18 of the month of Dhu Al-Hijja and people pledged allegiance to ‘Alī on 25 of the same month, seven days after the death and burial of ‘Uthmān.¹⁹⁵

The *muhājirūn* (‘emigrés, who participated in the *hijra* from Mecca to Medina) and *Anṣār* (helpers), including Ṭalḥah Ibn ‘Ubaydallah and Zubayr ibn Al-‘Awwām, gathered and came to Imam ‘Alī, saying, “O Abu Ḥassan let us pledge allegiance to you. ‘Alī answered, “I do not need you but I am with you and whomever you choose I will accept.” They replied, “We choose no one but you.” They went out and returned to him on several occasions until the day of 25 Dhu Al-Hijja.”

On that day the *Muhajirūn* and *Anṣār* came to him and said, “The people cannot be reconciled except by a command and a long time has passed now.” ‘Alī answered, “You disagreed with each other and you came to me, I will say to you one thing which, if you accept I will also accept your pledge, otherwise I will not need it.” They said, “Whatever you say we will accept, God willing.”

They went out to the mosque where ‘Alī wanted the pledge of allegiance to be public and in the mosque. He went to the rostrum and said, “I did not want to accept your pledge but you insisted that I command you. I cannot command without you and I have the keys to your money but I will not withdraw one dirham from it without your approval. Do you agree?” They replied, “Yes.” He said, “Allah be my witness.” And the pledge of allegiance took place.¹⁹⁶

The *Muhajirūn* and *Anṣār* pledged allegiance to Imam ‘Alī in difficult and complicated circumstances and in a state of division, chaos, disobedience and rebellion. Turmoil and instability were rampant not only in Medina and the Arabian Peninsula but also in Egypt, the Levant, Basra and Kufa, Azerbaijan, Isfahan, Jordan, and Palestine due to the false accusations that were leveled at ‘Alī by the Bani Umayyah before the murder of ‘Uthmān ibn ‘Affān took place.

‘Alī was a man of theory who had a good understanding of what a mandate was. He taught the *hadīth* of the Messenger of Allah: “People must have an

¹⁹⁵ Al-Ṭabarī, *Tarikh al-rusul wal-muluk* (History of the Prophets and Kings) Vol. II p. 701. Al-Ṭabarī writes, “Imam ‘Alī was pledged allegiance to on 25 Dhu Al-Hijja.”

¹⁹⁶ For more information about the pledge to Imam ‘Alī see *ibid* pp.695-700. See also Al-‘Arabi, Bakr, *al-Awāṣim min al-qawāsim : fī taḥqīq mawāqif al-ṣaḥābah ba‘da wafāt al-Nabī*, p.142

amir or prince”, as Al-Ṭabarī wrote in his book and which also appeared in *Collection of the Hadīth* by Al-Sayouti.¹⁹⁷

To be a leader, Ali realized the importance of legitimacy pursuant to the Quran and the Sunna. Imam ‘Alī set down all the elements of communication and negotiations and employed them in decision-making. The main point is the interest of the nation based on legitimacy as portrayed in the Holy Qur’an and the *Sunnah*. According to the ‘Alī: “One should not obey anyone against the commands of Allah.” Obeying *amirs* or princes is a duty, except those *amirs* who act against the commands of Allah.

‘Alī had also put forth the element of alternatives. He said to the *Muhājirūn* and *Anṣār*, “I am with you and whomever you choose I will accept.” In other words, there were alternatives and the *Muhājirūn* and *Anṣār* were asked to examine the alternatives they had for the caliphate. He would accept anyone they would choose and pledge allegiance to him.

‘Alī made clear that he was against sedition and the incitement which led to the murder of ‘Uthmān ibn ‘Affān. Why would he call for sedition and incitement since he refused the caliphate?

At the same time, ‘Alī employed the element of alternatives in his rejection of the caliphate. This meant that the alternative would deepen division, chaos and confusion resulting in the destruction of the Islamic state.

Moreover, the element of commitment was an incentive for ‘Alī in his negotiations and decision-making. He acknowledged the commitments with which the *amir al-mu’minīn* or Caliph had to comply and therefore he opted for reminding the people about their commitments. Hence he insisted that people should pledge allegiance to him in the house of Allah and in public so that his and their commitments would become binding and in line with the Holy Qur’an and the *Sunnah*. Both the commitments and the pledge were made in public.

Imam ‘Alī employed the elements of options and alternatives simultaneously. He had to accept to become the Caliph though he was not very keen on it. He told the people in the mosque: “I refused your demand but you insisted that I

¹⁹⁷ Ibn Abi Shabīyya 10/ p. 149, *Hadīth* No. 18654.

become the Caliph.” In other words, his acceptance to become the Caliph was based on the elements of interests, legitimacy, alternatives and commitment. It is important to note his initial refusal, followed by later acceptance because the people demanded it. At the same time, the Imam was concerned about the interest of the Muslim nation. He was also keen on having the caliphate based on the teachings of the Holy Qur’an and the *Sunnah*. Moreover, the Imam was worried about the undesirable alternatives of not accepting the caliphate on the basis of commitment to the legitimacy of the nation and its interest.

The elements of relationships and communication were employed thoughtfully by the Imam at all stages of negotiations. He understood and was aware of the situation, that the nation was in a period of chaos and instability, and this meant that relationships among people would have been based on grounds that might not have pleased many.

‘Alī wanted his relationship and communication with the people to begin in the house of Allah and in public so that acceptance of the rights and duties by him and the people would be public in spite of the differences between them.

In identifying his relationship with the people, ‘Alī communicated first with the people in the mosque, standing behind the rostrum and addressing them. He set forth a condition before the people for accepting the pledge. He directly told them, “I did not want to accept your pledge but you insisted that I command you. I cannot command without you and I have the keys to your money but I will not withdraw one dirham from it without your approval.”¹⁹⁸

Why this condition? During ‘Alī’s communication and negotiations with the *Muhājirūn* and *Anṣār*, immediately after the death of ‘Uthmān ibn ‘Affān he employed the elements of interests, commitment, legitimacy, alternatives, relationships and communication. But when he set forth a condition before the people to be responsible for the treasury and that he would perform his task consistently with the teachings of Allah, he was actually employing the seven other elements of leadership and responsibility, patience and consistency, variables, knowledge and justice.

¹⁹⁸ Al-Ṭabarī, *Tarikh al-rusul wal-muluk*, Vol. 5, pp. 152-153.

The Imam did what he did and said what he said as an effective and shrewd negotiator, confident in the Quran and the *Sunnah*. With this condition he exercised utmost leadership as he told the people he would not use the money of Muslims except in accordance with the *sharī'ah* and the rule of Allah. Imam 'Alī acted in accordance with the element of justice, and he refused to take any financial reward for having people pledge allegiance to him.

The element of variables merged with the element of knowledge. It seems that Imam 'Alī was aware of the changes that were taking place daily, following the pledge of allegiance. However, he decided to be patient and persevere in order to have people declare their commitment in public.

The Imam became Caliph because people wanted him to become their leader and succeed the Prophet. He was a Caliph that understood the enormity of changes and realized the risks the Islamic nation not of his own desire or request but might encounter in the future. He declared, as he exercised leadership and responsibility, that any encounter of the challenges would be based on the interest of the Islamic nation and the legitimacy stipulated in the Quran and the *Sunnah* of the Prophet.

After the pledge of allegiance, Imam 'Alī declared his willingness to become the Commander of the Faithful (*amir al-mu'minin*). According to Al-Tabari, Imam Ali in his speech said:

“Allah revealed a book of guidance that talks about good and evil. Hold on to what is good and shield yourselves from evil. Carry out all your religious duties before Allah and He will take you to heaven for he prefers the sanctity of Muslims and calls for their unification. The true Muslim is one who says the truth and acts accordingly and refrains from harming other Muslims. People are before you and therefore you need to care for each other and for the public, especially at the time of death, for all people await their end patiently. Fear Allah and treat well His creation for you are responsible even for the land and animals. Obey Allah and if you see good hold on to it and if you see evil abandon it.”¹⁹⁹

¹⁹⁹ Ibid. p. 701.

He ended his speech saying, “And remember when you were few and oppressed in the land.”²⁰⁰

Good and evil, rights and duties, life and afterlife, responsibility, sanctities, tolerance and initiatives were all basic principles for social life that ‘Alī preached. Everything he proposed was based on legitimacy and on the Qur’an and the *Sunnah*. But there were some who reminded ‘Alī that punishment was part of the legitimacy of the Quran and the *Sunnah*.

As soon as ‘Alī ended his sermon after accepting the position of Commander of the Faithful and the fourth Caliph of Islam, Ṭalḥah Ibn ‘Ubaydallah and Zubayr ibn Al-‘Awwām²⁰¹ said to him, “The blood of ‘Uthmān”. They wanted the Imam to kill the murderers of ‘Uthmān, and approached him a few minutes later, while he was in the mosque. Both were keen on punishing the murderers of ‘Uthmān, the legitimate Caliph and both were conscious of the innocence of ‘Alī, in relation to the killing of ‘Uthmān.

‘Alī answered Ṭalḥah and Al-Zubayr: “The murderers have supporters and relatives and I am afraid if we punish them the world would turn upside down on our heads.”²⁰²

In fact, Imam ‘Alī opted to wait and be patient until he could command control over the situation. For him, the matter was not about the punishment. He said to Ṭalḥah and Al-Zubayr: “Dear brothers, I know what you are talking about, but what can I do with a people that control us and over whom we have no control?” He added, “There are some who see what you see and others who see differently, while still others see nothing at all. Let us wait until people calm down and get their rights. Wait, give me time and see what happens and then come back to me.”²⁰³

These words did not change the opinion of the Bani Umayyah, particularly Mu‘āwiyah ibn Abu Ṣufyān, who was then the governor of the Levant. He

²⁰⁰ The Holy Qur’an. Surat Al-Anfal. Verse 26.

²⁰¹ They are from the Sahaba or the companions of Prophet Muhammad. The sahaba are highly revered among Muslims.

²⁰² For more information see: Al-Sirjānī, Rāghib. *The Murder of ‘Uthmān*, 2006, available from www.islamstory.com, 2006

²⁰³ Al-Ṭabarī. *Tarikh al-rusul wal-muluk*, p. 702.

considered himself to be from the Bani Umayyah, ‘Uthmān ibn ‘Affān’s tribe, and the successor of ‘Uthmān.

Mu‘āwiyyah ibn Abu Ṣufyān wanted to pledge allegiance to ‘Alī on condition that the latter would avenge the death of ‘Uthmān. He considered the reluctance of the Imam to punish the killers a violation of the Quran, Therefore, in his view, ‘Alī could not assume the position of Caliph. Mu‘āwiyyah accounted for his position by citing the the Quran, “And whoever is killed unjustly - We have given his heir authority, but let him not exceed limits in [the matter of] taking life. Indeed, he has been supported [by the law].”²⁰⁴

But the verse Mu‘āwiyyah cited indicated that the patron of the victim could pardon the murderer or the *amir* or governor could avenge the victim’s death. Mu‘āwiyyah asked for blood but he had to go to the Imam after he had pledged allegiance to him and not before. But the question remains as to why Mu‘āwiyyah would ask ‘Alī to avenge the death of ‘Uthmān before pledging allegiance to him. How could they ask Imam ‘Alī to punish the murderers when they had not yet pledged allegiance to him or recognized him as their leader? Punishment in Islam has to be inflicted by a recognized patron.

Those who asked for the blood of ‘Uthmān ibn ‘Affān had to understand that the quickest way to achieve their wishes of executing a prescribed penalty on the murderers of ‘Uthmān was to support the ‘Alī.

Mu‘āwiyyah had to pledge allegiance to ‘Alī and obey him so that all people could prepare for and build a centralized force able to deal with the chaos, anarchy and multiple authorities. Only in this way could they execute a penalty on the murderers of ‘Uthmān. It was wrong to accuse Imam ‘Alī of failing to punish the murderers of ‘Uthmān or obstructing the rule of Allah or even covering for the commission of murder.

Professor Hikmat Hilal writes: “Judge Abu Bakr proved in his book *al-awassem min al-qawasseem* (Defence against Disaster) that Al-Ḥassan, Al-Hussein, Ibn Al-Zubayr, Ibn ‘Umar and a large multitude from the *muhājirūn* (‘emigrates’, those who performed the hijra from Mecca to Medina) and *Anṣār* (‘helpers’, those in Medina who helped the Prophet Muhammad), numbering seven-hundred,

²⁰⁴ The Holy Qur’an. Surat Al-‘Isra’. Verse 33.

entered into the house of ‘Uthmān to defend him with their swords, but ‘Uthmān ordered all of them to go back to their homes and put away their weapons.”²⁰⁵

These facts provide indisputable proof that Imam ‘Alī exerted much effort to defend ‘Uthmān. But ‘Uthmān was keen on martyrdom and he did not even try to defend himself. Everything that the Bani Umayyah knew concerned the position of ‘Alī, Al-Ḥassan and Al-Hussein in defending ‘Uthmān. No one from the Bani Umayyah or others could accuse ‘Alī of killing ‘Uthmān. If they had been convinced of it then they would have asked for ‘Alī’s head. The fact that Ṭalhah and Al-Zubayr had pledged allegiance to Imam ‘Alī points to his innocence. If the Umayyads had accused ‘Alī they would have asked to kill him without fear, as the poet of Mu‘āwiyah said, “‘Alī need not be blamed. He gives shelter to people who commit sins and relieves murderers from punishment.” This was what the Bani Umayyah accused ‘Alī of but he should be exonerated of these accusations. Similarly, the accusations, which some historians level at ‘Alī with regard to him taking part in the murder of ‘Uthmān, are unfounded and groundless.²⁰⁶

Imam ‘Alī responded to the accusation saying, “Were not the Bani Umayyah told about my disgust and the reports the ignorant have circulated concerning my accusation? What Allah preached to them is more eloquent than what I can say. I can convince the arrogant and quarrel with the suspicious people. The Quran provides the best example and servants of Allah must be judged according to what is in their hearts.”²⁰⁷

‘Alī answered all his accusers by using the elements of interests, legitimacy, justice, commitment, leadership, responsibility, knowledge, patience, consistency. He also highlighted the elements of options and alternatives as well as communication and direct relationships.

²⁰⁵ Bakr. Al-‘Arabi, (al-‘Awāṣim min al-qawāṣim : fī taḥqīq mawāqif al-ṣaḥābah ba‘da wafāt al-Nabī), p. 141. See also Al-Tabair 5/127 and the position of Ibn ‘Abbas, as well as Ibn Kathīr, al-bidāyah wa al-nihāyah (The Beginning and the End), Cairo: Dar al-Taqwā, 1999, 7/181.

²⁰⁶ Dean of Scientific Research Dr Hikmat Hilla from An-Najah University argues that the discussion must not revolve around accusing Imam ‘Alī of killing ‘Uthmān ibn ‘Affān. In fact, Bani Umayyah accused the Imam of neglect. I deemed it necessary therefore to quote his valuable opinions.

²⁰⁷ Al- Rādī, Nahj al-balagha (Peak of Eloquence), p. 146.

‘Alī asked, “Did the Bani Umayyah not know about my religious situation and position and my reluctance to shed blood without right? And yet they accuse me of failing to punish the murder of ‘Uthmān and they know I have been with them with all my heart and that I was never against punishing the murderers.”

In addition, Imam ‘Alī reminded the Bani Umayyah of the necessity of basing every action on legitimacy. By leveling false accusation, the Bani Umayyah were like cannibals who ate the flesh of their brothers alive. ‘Alī reminded people of his characteristics and commitment to legitimacy which was based on the Quran and the *Sunnah* of His Messenger. Muhammad constantly faced renegades and those who knew very little. He always convinced them on the basis of the legitimacy of the religion of Islam. He said, “The Quran provides the best example.” In other words, the Holy Qur’an is the basis of legitimacy. The focal point is the legitimate right and it must be committed to. Whoever violates what is right has no options or alternatives.

‘Alī was committed to legitimacy and knowledge. He advocated the interests of the nation and refused any options or alternatives outside the limits of the legitimacy of the religion of Islam. This was previously confirmed by Caliph Umar who said that ‘Alī judged fairly.”²⁰⁸

Imam ‘Alī could not have been a distinguished judge in the Islamic nation of the Prophet Muhammad without commitment to the elements of communication and negotiations.

Naturally, in addition to commitment, there are the elements of leadership, responsibility, knowledge, and understanding of variables, interests, legitimacy, alternatives, options, communication and relationships. On top of these there are the characteristics of the negotiator, who is also a leader, which include modesty, wisdom and courage, and all of these are based on the element of justice.

As we have noticed, Imam ‘Alī dealt with the murder of ‘Uthmān and linked the pledge of allegiance to it in a very skillful manner, based on his deep knowledge of the *sharī‘ah* provisions. The foundation of the handling of any situation was

²⁰⁸ Rābi’ hādī Amīr Al-Dakhīlī, (*A Study of the Sayings of Scholars in the hadith titled Mercy to my Nation Abu Bakr*, Retrieved from <http://www.alnasiha.net>

legitimacy as stipulated in the Quran and the *Sunnah* of His messenger. This is evident from the discussion above concerning the twelve elements of negotiations for 'Alī. A demand for punishment must be initiated by the Commander of the Faithful, so the question is how could 'Alī be asked to inflict punishment before those asking had pledged allegiance to him?

Once again, it should be noted that this book does not deal with historical trials that took place in Arab and Muslim history. We are rather dealing with the elements of communication and negotiations as established by Imam 'Alī hundreds of years before western schools. What preceded showed that the elements of legitimacy, commitment, interests, knowledge, leadership, variables, patience, and consistency, and all the alternatives, options, relationships, communications, in addition to all the characteristics of 'Alī as a leader and negotiator were employed to unite the Muslim nation and launch the stage of construction and preparation in order to eliminate confusion, chaos and multiple authorities.

Deposition of the governors

In the case of inflicting punishment on the murderers of 'Uthmān ibn 'Affān, Imam 'Alī took a decision to wait and be patient and started a process of reconstruction and organization, in order to put an end to the state of chaos and anarchy, and restore unity of authority by eliminating multiple authorities. At the same time, 'Alī understood the state of weakness which the Islamic nation was suffering at that time and, as a result, he commanded the deposition of governors with the view to making administrative reform. There is no doubt that this decision was considered an audacious step, but the question that presents itself here is why 'Alī did not linger before taking this decision as he did with the question of the murderers of 'Uthmān.

The issue here is ability and lack of capabilities. Why did 'Alī take a decision to depose the governors, including Mu'āwiyah ibn Abu Ṣufyān, even though he realized the decision could not be carried out? The Imam was not able to carry out the decision and so the likely outcome would be more disobedience, anarchy and multiple authorities. He was advised not to depose the governors,

and especially Mu'āwiyah ibn Abu Ṣufyān, until they pledged allegiance to him, at which point he could look into the case of the governors separately.²⁰⁹

According to Al-Ṭabarī, 'Abdallah ibn Al-'Abbās was very clear with 'Alī. He told 'Alī: "You know that Mu'āwiyah and his companions are people of this world and they do not care who becomes a governor. When you depose them they will say you have acted without counsel and that you have killed their friend. They will stir the people of the Levant and Iraq against you."²¹⁰ As Al-Ṭabarī relates, 'Alī responded to Ibn Al-'Abbās: "What obliges me to depose Mu'āwiyah is the truth and my knowledge of his actions. By Allah I care for no one of the governors. If they obey that would be better for them, but if they refuse I will unsheath the sword for them."²¹¹

'Alī was strict and resolute in his decision to depose the governors. He decided to appoint Sahl ibn Ḥanīf to the Levant, 'Ubaydallah ibn 'Abbās to Yemen, 'Uthmān ibn Ḥanīf to Basra, 'Umārah ibn Shihāb to Kufa and Qays ibn Sa'd to Egypt.²¹²

Sahl ibn Ḥanīf went to the Levant and when he arrived in Tabūk he was met by the supporters of Mu'āwiyah. They said to him, "Who are you?" He answered, "I am the *amir*" They said, "*Amir* of what?" he replied, "*Amir* of the Levant." They said, "If 'Uthmān has sent you we welcome you, but if anyone other than 'Uthmān has sent you then please return from where you have come." He said to them, "Have you not heard of what had happened?" They said, "We have", Sahl returned to 'Alī and did not continue his way to the Levant.²¹³

When Qays ibn Sa'd arrived in Egypt, the people of Egypt divided into two groups, one group supported Imam 'Alī, and the other group supported Mu'āwiyah ibn Abu Ṣufyān. The second group said to Qays, "The killing of the murderers of 'Uthmān will open the way for a pledge of allegiance."

'Uthmān ibn Ḥanīf entered Basra and likewise the people were divided into two groups. But 'Umārah ibn Shihāb was not allowed to enter Kufa and he returned to Imam 'Alī as Sahl ibn Ḥanīf had done.

²⁰⁹ For more information see Al-Ṭabarī, *Tarikh al-rusul wal-muluk*, p. 703.

²¹⁰ Ibid., p. 203.

²¹¹ Ibid.

²¹² Ibid., p. 693.

²¹³ For more information see Al-Ṭabarī, *Tarikh al-rusul wal-muluk*, Vol. 3, p. 3.

‘Ubaydallah ibn ‘Abbās entered Yemen, whose *amir* Yu‘la ben Umayya had left with all the levied taxes.²¹⁴ When this news reached ‘Alī, he said to the people: “O people, what I have warned you against has taken place. What has happened cannot be rectified except by its elimination. It is sedition, which is like fire that spreads fast and is difficult to extinguish. I will try to remedy the situation and if I see there is no other solution, I will inflict the severest punishment.”²¹⁵

Epistolary negotiations/arbitration

Imam ‘Alī employed the elements of legitimacy, communication, relationships, alternatives, options, commitment and interests, in addition to the elements of leadership, responsibility and variables. ‘Alī opted for sending emissaries to Mu‘āwiyyah and to Abu Mūsā Al-‘Ash‘arī. The emissary of Imam ‘Alī to Mu‘āwiyyah was Al-Hajjāj Al-Anṣari and his emissary to Abu Mūsā Al-‘Ash‘arī was Ma‘bad Al-Islāmī.

Abu Mūsā Al-‘Ash‘arī wrote to ‘Alī about the obedience of the people of Kufa and their allegiance to the Imam.

The case of Mu‘āwiyyah was different. ‘Alī wrote to him:

Verily, those who took the oath of allegiance to Abu Bakr, ‘Umar and ‘Uthmān have sworn allegiance to me. Now those who were present at the election have no right to go back against their oaths of allegiance and those who were not present on the occasion have no right to oppose me. And so far as shūra (limited franchise or selection) was concerned, it was supposed to be limited to Muhājirūn and Anṣar and it was also supposed that whomsoever they selected, became Caliph as per approval and pleasure of Allah. If somebody goes against such decision, then he should be persuaded to adopt the course followed by others, and if he refuses to fall in line with others, then war is the only course left open to be adopted against him and as he has refused to follow the course followed by the Muslims, Allah will let him wander in the wilderness of his ignorance and schism.

²¹⁴ Ibid.

²¹⁵ Ibid. pp. 3-4.

*O Mu'āwiyah! I am sure that if you give up self-aggrandizement and self-interest, if you forsake the idea of being alive only for personal profits and pleasures, if you cease to be actuated solely by selfishness and if you ponder over the incident leading to the murder of 'Uthmān, you will realize that I cannot at all be held responsible for the affair and I am the least concerned with the episode. But it is a different thing that you create all these false rumors and carry on this heinous propaganda to gain your ulterior motives. Well you may do whatever you like.*²¹⁶

The official negotiations between the 'Alī and Mu'āwiyah started with this letter which included all the elements of negotiations:

- The letter opens with the element of legitimacy. It says, “Verily, those who took the oath of allegiance to Abu Bakr, 'Umar and 'Uthmān have sworn allegiance to me.” Allegiance is a duty for all Muslims. The people pledged allegiance to 'Alī and he became the Commander of the Faithful (*amir al-mu'minīn*).
- The letter calls on Mu'āwiyah to show his commitment as there is no justification for not pledging allegiance.
- The letter reminds Mu'āwiyah of the *interest* of the Islamic nation, namely complying with the Quran and the Sunnah of His Messenger.
- The letter urges Mu'āwiyah to be responsible, to have knowledge and avoid personal interest. The letter also says that the alternative for the pledge of allegiance would be war and that there are no other alternatives.
- In this letter, 'Alī confirms to Mu'āwiyah that he agrees with him on the question of punishing the murderers of 'Uthmān. He adds that he “cannot at all be held responsible for the affair” and that all the accusations leveled at him are false and therefore Mu'āwiyah has no interest in not pledging allegiance to the Imam, because all matters are linked to the element of justice.
- 'Alī opted for the element of communication through letters. He was keen that the contents of the letter highlighted the element of justice as a focal point in the relationship between 'Alī and Mu'āwiyah.

Mu'āwiyah read the letter carefully and decided not to respond in writing. He wanted to negotiate and therefore he sent an emissary to 'Alī but did not send

²¹⁶ Al- Rādī, *Nahj al-balagha (Peak of Eloquence)*, p. 427.

with him a written answer. Al-Ṭabarī gives an accurate description of what took place between Imam ‘Alī and the emissary of Mu‘āwiyah. The emissary asked ‘Alī, “Am I safe?” ‘Alī replied, “Yes. Emissaries are safe.” “They do not get killed?” The emissary asked, “I left sixty-thousand sheikhs crying under the shirt of ‘Uthmān. They clothed him with the banner of Damascus.” ‘Alī answered, “They ask me for the blood of ‘Uthmān! O Allah I am innocent of his blood. Allah saved the murderers of ‘Uthmān until the proper time for their punishment arrives. This is what Allah wants. ‘Alī ordered the emissary of Mu‘āwiyah to leave. The emissary replied, “While I am safe.” The Imam confirmed: “While you are safe.”²¹⁷

It was clear from the response of Mu‘āwiyah that military confrontation was inevitable. The question is why did ‘Alī decide to depose Mu‘āwiyah without having the power to carry out his decision?

The question here is not related to the right of the Caliph to depose or appoint governors. This was his right. In fact, ‘Alī asked ‘Uthmān to depose Mu‘āwiyah more than once²¹⁸. How did it come to be that ‘Alī could not depose Mu‘āwiyah once he had become the Caliph?

‘Umar ibn Al-Khaṭṭab deposed Khālīd ibn Al-Walīd and Al-Muthanna ibn Ḥārithah even though they were great leaders. Likewise, ‘Uthmān deposed ‘Amr ibn Al-‘Ās from governing Egypt and Al-Mughīrah ibn Shu‘bah from governing Kufa.

It should be remembered that the Caliphs lived in special circumstances and that they had their own considerations and options. The governors or *amirs* appointed by the Caliphs were senior companions of the Prophet Muhammad and had contributed a lot to Islam. Names of governors include Sahl ibn Ḥanīf, Qays ibn Sa‘d ibn ‘Ubādah, and ‘Abdallah ibn ‘Abbās.

The elements of Imam ‘Alī in the deposition of Mu‘āwiyah ibn Abu Ṣufyān

Al-Sharīf Al-Rādī, in his *nahj al-balagha* (*Peak of Eloquence*) writes that Imam ‘Alī asked ‘Uthmān several times to depose Mu‘āwiyah.²¹⁹

²¹⁷ For more information see Al-Ṭabarī, *Tarikh al-rusul wal-muluk*, Vol. 3, p. 4.

²¹⁸ Al- Rādī, *Nahj al-balagha* (*Peak of Eloquence*), p. 43.

²¹⁹ Al- Rādī, *Nahj al-balagha* (*Peak of Eloquence*), p. 43.

‘Alī would not have asked for the deposition of Mu‘āwiyah if the deposition were not founded on the principles of legitimacy, the Qur‘an and the *Sunnah* of Prophet Muhammad. Hence, according to the criteria of ‘Alī, Mu‘āwiyah had to be deposed. From the viewpoint of the Imam, Mu‘āwiyah have exploited his position to enhance his authority and power and pass on the power to his children. Consequently, from the perspective of ‘Alī, Mu‘āwiyah violated the principles of legitimacy, commitment and interest and substituted them with personal interest.

Mu‘āwiyah refused to pledge allegiance to ‘Alī, claiming that the Imam must first avenge the death of ‘Uthmān. As stated earlier, ‘Alī wanted to punish the murderers of ‘Uthmān but felt the best way to achieve this was through unity, advocacy of legitimacy, relationships, options, alternatives and communication, in addition to the elements of leadership, responsibility, knowledge, variables, patience, consistency and justice.

According to ‘Alī, avenging the death of ‘Uthman pursuant to the demand of Mu‘āwiyah was contradictory to the elements of interest, legitimacy and commitment, since punishment could only be asked from the Caliph and it could not be requested before the pledge of allegiance. As a result, ‘Alī came to the conclusion that military confrontation with Mu‘āwiyah was inevitable and imminent.

Mu‘āwiyah was mainly concerned about the continuation of his rule and mandate. He realized that stability would, at the end of the day, bring about an end to his rule. One can therefore conclude that stability, security and rule of law were against the interest of Mu‘āwiyah.

A pledge of allegiance from Mu‘āwiyah, and the support of the Bani Umayyah, would have brought about an end to chaos and anarchy, and would have allowed capacity to be built in order to avenge the death of ‘Uthmān. Hence the saying of ‘Alī when he heard that Mu‘āwiyah had refused his letter, “By Allah the murderers of ‘Uthmān were saved.”²²⁰

‘Alī realized that war was imminent and consequently his decision to depose Mu‘āwiyah was not based on patience or impatience and the capability to

²²⁰ Al-Ṭabarī, *Tarikh al-rusul wal-muluk*, Vol. 3, p. 4.

carry it out. By taking this decision, Imam 'Alī employed the element of variables as well as the elements of knowledge, leadership, responsibility, and justice. The Imam also realized Mu'āwiyah's intentions. He also realized future repercussions and the variables. Therefore, the only option he had was legitimacy, the Quran and the *Sunnah* of His Messenger. 'Alī proved himself to be a true and responsible leader.

On the other hand, Imam 'Alī's decision to delay punishing the killers of 'Uthmān was based on the elements of patience and consistency, until he had a chance to build capabilities. In addition, the punishment was perhaps postponed because he was unable to carry it out given the increasing influence of the murderers of Uthman in Ali's camp.

The decision to depose the governors or *amirs* was based on what 'Alī said to 'Abdallah ibn 'Abbās: "What obliges me is the truth and knowledge of the actions of 'Uthmān. By Allah I care for no one of them. If they wait that would be better for them, but if they insist on their position, I will unsheath the sword for them."²²¹

There were no other options, either compliance to legitimacy or the sword. There was no possibility of creating a common ground between 'Alī and Mu'āwiyah and hence the best alternative for them was what today we refer to as 'Best Alternative To a Negotiated Agreement' (BATNA), outside the frame of the agreement based on the elements of leadership, responsibility, patience, consistent and justice. Military confrontation was inevitable and it actually took place after the failure and collapse of the epistolary negotiations. The last remedy was war, as 'Alī had stated earlier.

Imam 'Alī's management of sedition and negotiations with Mu'āwiyah

Battle of the Camel (Al-Jamal)

The Battle of the Camel took place in Basra in 36 Hjrī (656 C.E.) between the forces of 'Alī ibn Abī Ṭālib and an army led by the two companions of the Prophet, Zubayr ibn Al-'Awwām and Ṭalhah Ibn 'Ubaydallah, allied to the forces

²²¹ Al-Ṭabarī, *Tarikh al-rusul wal-muluk*, Vol. 2, p 703.

of the Ā'ishah, who was sitting on a iron howdah on the back of a camel, hence the name Battle of the Camel.²²²

In his history, Al-Ṭabarī relates that when Ā'ishah heard the news of the murder of 'Uthmān, she said, "I heard that 'Uthmān was killed unjustly. Things cannot be rectified unless you ask for the blood of the murderers and in this way you glorify Islam."²²³

A really difficult scene ensued: the companions of the Prophet Muhammad (Zubayr ibn Al-'Awwām, Ṭalḥah Ibn 'Ubaydallah and 'Abdallah Al-Zubayr) gathered at house of Ā'ishah, and with them was Yu'la ibn Umayya, the deposed Governor of Yemen, and 'Abdallah ibn 'Amr, the deposed Governor of Basra. They all agreed to leave Mecca and head to Basra. Yu'la ibn Umayya, said about funding and preparation holding the levied taxes, "I have six-hundred camels. Mount them." At that moment it was declared that Ā'ishah, Ṭalḥah Ibn 'Ubaydallah and Zubayr ibn Al-'Awwām were heading to Basra. The call was sent out, "Ā'ishah, Ṭalḥah Ibn 'Ubaydallah and Zubayr ibn Al-'Awwām were heading to Basra. Whoever wants to glorify Islam and avenge the death of 'Uthmān and has no camel or sword can be provided with a camel and a sword."²²⁴

Military confrontation between two Muslim armies was imminent. How did this situation develop? Why could the Commander of the Faithful, 'Alī ibn Abī Ṭālib and the Mother of Believers, Ā'ishah and other companions of the Messenger of Allah not remedy the situation and prevent military confrontation?

The positions of Imam 'Alī

When 'Alī heard about recent developments and about the army led by Ā'ishah, heading to Basra, he went out to obstruct the army but failed. Here we are not concerned with narrating what had happened during the Battle of the Camel. The purpose in reflecting on this battle is to demonstrate how 'Alī employed the twelve elements of negotiation in crisis management and why he failed to prevent military confrontation.

²²² For more information see: Al-Sirjānī *Battle of the Camel*. Retrieved from <http://www.islamstory.com>. He relates that the name of the camel was Askar.

²²³ Al-Ṭabarī, *Tarikh al-rusul wal-muluk*, Vol. 3, pp. 69-70.

²²⁴ Al-Ṭabarī, *Tarikh al-rusul wal-muluk*, Vol. 3, p. 79.

The *Nahj al-balagha* (*Peak of Eloquence*) contains the letters and sermons of Imam ‘Alī before the Battle of the Camel took place. The Imam sent ‘Abdallah ibn Al-‘Abbās to Zubayr ibn Al-‘Awwām asking him to return to obedience. ‘Alī said to his emissary ‘Abdallah ibn al-‘Abbās, “Do not meet Ṭalḥah (Ibn ‘Ubaydallah). If you meet him you will find him like an unruly bull whose horns are turned towards its ears. He rides a ferocious riding beast and says it has been tamed.”²²⁵ But meet Al-Zubayr because he is soft-tempered. Tell him that your maternal cousin says that, “[It looks as if] in the Hijaz you knew me [accepted me], but [on coming here to] Iraq you do not know me [do not accept me]. So, what has dissuaded [you] from what was shown [by you previously]?”²²⁶

‘Alī asked ‘Abdallah ibn Al-‘Abbās not to talk with Ṭalḥah Ibn ‘Ubaydallah. As stated earlier, he described Ṭalḥah as an arrogant person, Instead, ‘Alī instructed ‘Abdallah to talk to Zubayr ibn Al-‘Awwām, who was more lenient and ask him how could he pledge allegiance to the new Caliph in Hijaz and then fight against him in Iraq.

This was an attempt by ‘Alī to prevent military confrontation through the element of communication with those whom he thought could influence using the element of relationships, which in turn must be based on the elements of commitment and legitimacy. He also used the elements of leadership, responsibility and knowledge in addressing Zubayr ibn Al-‘Awwām while he avoided talking to Ṭalḥah Ibn ‘Ubaydallah.

‘Alī addressed the people before the Battle of the Camel took place, saying:

Praise be to Allah whom refusal to give away and stinginess do not make rich and Whom munificence and generosity do not make poor, although everyone who gives away loses [to that extent] except He, and every miser is blamed for his niggardliness. He obliges through beneficial bounties and plentiful gifts and grants. The whole creation is His dependents [in sustenance]. He has guaranteed their livelihood and ordained their sustenance. He has prepared the way for those who turn to Him and those who seek what is with Him. He is as

²²⁵ In reference to Ṭalḥah, who was very arrogant and claimed he could overcome all difficulties.

²²⁶ Al- Rādī, *Nahj al-balagha* (*Peak of Eloquence*), p. 105.

generous about what He is asked as He is about that for which He is not asked. He is the First for whom there was no 'before' so that there could be anything before Him. He is the Last for whom there is no 'after' so that there could be anything after Him. He prevents the pupils of the eyes from seeing Him or perceiving Him. Time does not change over Him, so as to admit of any change of condition about Him. He is not in any place so as to allow Him movement [from one place to another].

If He gives away all that the mines of the mountains emit out or the gold, silver, pearls and cuttings of coral which the shells of the ocean vomit out, it would not affect his munificence, nor diminish the extent of what He has. [In fact] He would still have such treasures of bounty as would not decrease by the demands of the creatures, because He is that generous Being Whom the begging of beggars cannot make poor nor the pertinacity of beseechers make miser.²²⁷

In other words Imam 'Alī has legitimacy as a focal point. People were lost and Islam brought them back to the right path and therefore they were saved from damnation and destruction. The life of Muslims became more stable with the advent of Islam. In addition, 'Alī stressed the fact that he was going to the *jihād* (struggle) for the sake of Allah. He sought the defeat of evil and the triumph of good.

Perseverance, strictness, leadership, responsibility, consistency and justice for 'Alī reached a point when he could no longer talk about a common ground. He said, "What do I have to do with the Quraish? By Allah I fought against them when they did not believe and I am ready to fight them again. Things have become critical and there is no solution except by war."

Al-Ḥassan ibn 'Alī, 'Alī's son, was among those who realized that matters had crossed the critical point and that military confrontation was inevitable. Al-Ṭabarī relates the coming of Al-Ḥassan to 'Alī and telling him just before the Battle of the Camel, "I commanded you but you disobeyed and tomorrow you will be killed." 'Alī said, "I am still like a servant to you. What have you commanded me and I disobeyed?" Al-Ḥassan replied, "I commanded you when

²²⁷ Ibid. pp. 108-109.

‘Uthmān was surrounded by his killers to go out to the city but you disobeyed me and ‘Uthmān was killed. I also commanded you on the day of the murder of ‘Uthmān not to pledge allegiance until the delegation of *Anṣār* and Arabs and Egypt pledge allegiance. Then I commanded you, when the delegations arrived, to sit in your house until they reconcile and if there were any corruption let it come by them. You have disobeyed me in all this.”

Imam ‘Alī answered, “O my son, until the *Anṣār* pledge allegiance the whole matter is in the hands of the people of Medina and we hated to lose the issue. As for your saying when Ṭalḥah and Al-Zubayr went out, that was a point of weakness for the people of Islam. By Allah I have been upset since I was made a governor failing to achieve what I wish to achieve. As for your saying ‘stay in your house’, how can I do this when I have commitments and obligations? Do you want me to become like a hyena surrounded by wild predators and cry ‘Flies! Flies!’ I live in a time in which I must attend to everything because if I do not no one will.”²²⁸

It is clear that the conclusion of Al-Ḥassan ibn ‘Alī was that he did not want his father to be involved in sedition or in the fight between Muslims. Al-Ḥassan ibn ‘Alī asked his father (a) to leave the city and if ‘Uthmān were killed then Imam ‘Alī would be there; (b) not to accept the pledge of allegiance until all the people swear allegiance including the *Anṣār*, Arabs and all of Egypt; (c) to reconcile with Al-Zubayr and Ṭalḥah.

It is very clear that Al-Ḥassan ibn ‘Alī realized where things were heading and that the situation was extremely critical and the war between Muslims was inevitable. He did not want ‘Alī to be part of all that, while knowing at the same time he could not stop the sedition or internal strife. For his part, ‘Alī did not contradict the conclusion reached by his son that military confrontation was inevitable, but ‘Alī answered Al-Ḥassan with his twelve elements of negotiation:

1. The leader cannot run away (elements of leadership and responsibility)
2. The siege imposed on ‘Uthmān was a siege imposed on all Muslims (elements of commitment, legitimacy, relationships and communication)
3. ‘The pledge of allegiance was an obligation (there must be an *amir* or governor) and there were no other options. The alternatives would be

²²⁸ Al-Ṭabarī, *Tarikh al-rusul wal-muluk*, Vol. 3, pp. 10-11.

chaos, sedition and bloodshed. Here Alī used the elements of options and alternatives.

4. In answering Al-Ḥassan, ‘Alī talked about his knowledge of what had afflicted the religion of Islam in terms of weakness, schism and sedition. He admitted he could not stop or prevent that.
5. The element of the interest of Muslims was, for Imam ‘Alī, connected with the element of legitimacy.
6. “I have spent the years of my life. A person who cannot be obeyed may not issue any command. I have been upset since I became a governor not being able to achieve any of my goals.”²²⁹

In this manner, ‘Alī admitted his position with clarity, frankness and transparency. It is hard to imagine any other form of responsibility and true leadership. The Commander of the Faithful, Imam ‘Alī, admitted his situation accurately, objectively and honestly, while at the same time stressing the elements of patience, consistency, justice and variables.

Fighting was not an option for the Imam. All the evidence we have points to the fact that ‘Alī employed the twelve elements of negotiation to minimize the damage. He knew well that military confrontation was inevitable. There was an option proposed by Al-Ḥassan ibn ‘Alī to stay aloof and resign. But Imam ‘Alī, as a Commander of the Faithful and a Caliph, admitted he was defeated and that he did not do what had to be done. At the same time, he stressed the interest of the Islamic nation based on legitimacy as provided for in the Quran and the *Sunnah* of His Messenger and justice, options and alternatives. He also communicated with people and built relationships with friends and enemies, even some corrupt people in his camp who had weakened his position, as some scholars believe.

After the Battle of the Camel (Al-Jamal)

Clearly during this period sedition aggravated the situation and fighting among the companions of the Prophet intensified. Al-Zubayr and Ṭalḥah were killed, and with them 12,000 Muslims, 5,000 of whom were from the army of ‘Alī and 5,000 from the army of Ā’ishah²³⁰.

²²⁹ Al- Rādī, *Nahj al-balagha (Peak of Eloquence)*, p.105.

²³⁰ At the Battles of Al-Qadisiyah, Al-Yarmūk and Al-Jisr, against the Persians and Romans, about 15,000 Muslims were killed, and in the Battle of Al-Jamal 10,000 Muslims were killed. These numbers appear in Al-Sirjānī *Battle of the Camel*, p. 15.

Militarily, victory was on the side of the army of 'Alī and the *howdah* (carriage) of Ā'ishah fell to the ground. 'Alī ordered his army to build a tent over the *howdah* to protect her chastity. The first to come to her was her brother Muhammad Abu Bakr who asked her, "Are you hurt?" She answered, "No, and neither are you."²³¹ It is worth noting at this juncture that the relationship between this brother and his sister exemplifies the severity of civil war. Ā'ishah was displeased with her brother for what he had done to 'Uthmān since he was fighting in the army of 'Alī.

That was the condition of Muslims during and after the Battle of the Camel. 'Alī inspected the casualties on both sides. The battle was harsh and painful, and when the Imam refused to distribute the booty he was asked, "Are we allowed to shed their blood but not allowed to take their money and property?" The Imam answered: "The people are like you. Whoever forgives us is one of us."²³²

Even after triumph, Imam 'Alī was armed with the elements of legitimacy, commitment, relationships, communication, patience, consistency, variables, leadership and responsibility, as well as the elements of knowledge and justice. He employed his options and acknowledged his alternatives. He knew that the interest of the Islamic nation required unity and ending of sedition and division.

It is important to note what 'Alī said at this point: "Whoever forgives us²³³" is 'one of us and we are his'. Our interests, legitimacy, commitment, relationships, options and alternatives are the same and likewise are our knowledge, responsibility and all the variables and risks involved if the situation continued as it was.

Siffin negotiations

In the following pages goes over the bases on negotiations between Alio and Mu'āwiyah. As will be noticed, the negotiations of Mu'āwiyah were based on positions but those of Imam 'Alī were based on the interest of the nation.

'Alī described himself as upset and oppressed because of the continuation of sedition and internal strife. He thought himself incapable of achieving his

²³¹ Ibid. p. 8.

²³² Al-Ṭabarī, *Tarikh al-rusul wal-muluk*, vol. 3, p. 59.

²³³ In other words, whoever could override the harm inflicted upon him in the Battle of the Camel

wishes by eliminating sedition and uniting Muslims. He was also upset because of the presence of corrupt people in his camp.

The conflict continued. After the Battle of the Camel, Mu'āwiyah continued to reject deposition and insisted on not pledging allegiance to 'Alī until he had punished the murderers of 'Uthmān.

Once again, 'Alī employed the elements of communication, interests, relationships, legitimacy, commitment, options, alternatives, variables, leadership, responsibility, patience, justice and knowledge in an attempt to hold serious negotiations with Mu'āwiyah, and in order to avoid bloodshed among the Muslim people. He did not want the tragedy of the Battle of the Camel to be repeated.

In short, Imam 'Alī did not want another military confrontation between Muslims, and, as we shall see, he employed the twelve elements of negotiations in talking with Mu'āwiyah in order to reach a common ground. In this way 'Alī gave Mu'āwiyah another chance to agree on a common ground between them based on legitimacy and commitment to the Quran and the *Sunnah* of His Messenger.

After the Battle of the Camel, the people of Basra pledged allegiance to 'Alī and he made 'Abdallah ibn 'Abbās the Governor of Basra. He then went from Basra to Kufa where things settled down. The Caliph also made Muhammad ibn Abu Bakr the Governor of Egypt. Likewise, Hamadan and Azerbaijan pledged allegiance to 'Alī.

Iraq (including Basra and Kufa), Egypt, Medina, Mecca and Yemen came under the rule of Imam 'Alī, but not the Levant, which was the only emirate in the Islamic nation that refused to pledge allegiance to him at that time.

Immediately after the Battle of the Camel, 'Alī dispatched Jarīr ibn 'Ubaydallah Al-Bajalī to Mu'āwiyah and proposed to him to pledge allegiance to 'Alī to unite all the Muslims, avoid another war, and spare the blood and maintain the interests of Muslims.

Those who supported Imam 'Alī knew, in advance, the response of Mu'āwiyah. The Imam said his first option was to use the elements of communication and relationships, by asking the people of the Levant to pledge allegiance to him in

accordance with the principles of legitimacy and commitment because the interest of Muslims required it. Otherwise the other alternative would be shedding the blood of Muslims. Armed with knowledge, leadership, responsibility, patience, consistency and justice, 'Alī asked the Muslim people to end sedition and put an end to conflict in order to save the Islamic nation from destruction and collapse.

Imam 'Alī answered those who inquired about the feasibility of sending Jarīr ibn 'Abdallah Al-Bajalī to Mu'āwiyyah:

My preparation for war with the people of Syria (al-Shām) while Jarīr ibn 'Abdallah al-Bajalī is still there would be closing the door for Syria and prevention of its people from good action (i.e. allegiance) if they intend doing it. However, I have fixed a time limit for Jarīr after which he would not stay without either deception or in disobedience. My opinion is in favor of patience, so wait a while. [In the meantime] I do not dislike your getting ready.

*I have observed this matter thoroughly from all sides but I do not find any way except war or heresy. Certainly, there was over the people a ruler [before me] who brought about new (un-Islamic) things and compelled the people to speak out. So they did speak, then rose up and thereafter changed the whole system.*²³⁴

The Imam said to those who were with him that he sent Jarīr to ask Mu'āwiyyah and the people of the Levant to pledge allegiance to him and obey him, and that he still had hope that they would do that. He wanted to make clear that beating the drums of war would close the doors for peace and reconciliation for the people of the Levant and keep them away from good. The basic notion here was patience and consistency and waiting for the response of Jarīr.

'Alī made it clear that it took him a very long time to think and meditate ('I thought deeply about this matter').²³⁵ It is clear that the conflict imposed on Imam 'Alī as a result of Mu'āwiyyah's and the people of Levant's refusal to pledge allegiance to him, as well as 'Alī's decision to depose Mu'āwiyyah was based on the element of patience and consistency, i.e. giving the opportunity

²³⁴ Al- Rādī, *Nahj al-balagha (Peak of Eloquence)*, pp. 119-120.

²³⁵ Ibid., pp. 119-120.

to create a common ground. It also seems that all who were with 'Alī expressed dissatisfaction with him because they believed there was no use dispatching emissaries to the Levant. There was no need to discover positions and the response of Mu'āwiyah had been known in advance.

Using his wisdom, patience and sense of justice, and through his knowledge of the nature of developments and variables, Imam 'Alī insisted that his first choice was and had to be negotiations and giving Mu'āwiyah and the people of the Levant a chance. What 'Alī proposed was establishing a common ground based on legitimacy and commitment.

'Alī also expected the response of Mu'āwiyah, namely that he would pledge allegiance to the Imam after avenging the murder of 'Uthmān. Mu'āwiyah said, "'Alī ibn Abī Ṭālib sheltered the murderers of 'Uthmān ibn 'Affān and impeded one of the limits of Allah and therefore pledging allegiance to him is not possible."²³⁶ Mu'āwiyah, and whoever was with him, based the answer on the Quran, "And whoever is killed unjustly - We have given his heir authority, but let him not exceed limits in [the matter of] taking life. Indeed, he has been supported [by the law]."²³⁷

The same question presents itself: How can one ask for punishment of the murderers of 'Uthmān without pledging allegiance to the governor or ruler? According to the Holy Quran, pledging allegiance to the governor must occur before asking for punishment, and therefore asking Imam 'Alī to avenge the death of 'Uthmān first and then pledging allegiance to him was contradictory to verse 33 of *surat al-'isra'* (Chapter 17) of the Holy Qur'an. The verse says that the sponsor of the deceased has the right to forgive or to be avenged by the governor. In other words, there should be a governor who received the pledge of allegiance before demanding punishment.

After that, 'Alī started to prepare the army and get ready for war: he threatened with war but did not start it. In other words, he managed the conflict and at the same time he was ready for actual confrontation. But the opinion of those who were with the Imam was that he should be at the head of

²³⁶ For more information see : Al-Sirjānī, *Battle of the Siffin. The Great Sedition*, retrieved from <http://www.islamstory.com,,> p.3.

²³⁷ The Holy Qur'an. Surat Al-'Isra. Verse 33.

an army. Al-Ḥassan was among the very few who opposed that, considering that fighting against the Muslim people of the Levant would result in division. But for 'Alī, war was the last remedy, or eliminating sedition from its roots which could be achieved only through military confrontation. This shows the high level of leadership and responsibility of 'Alī, as he complied with the provision of the *sharī'ah*.

The instruction 'Alī gave to every commander in his army was: "Do not attack unless you are attacked and in this you are not to blame."²³⁸

'Alī continued the negotiations unwaveringly and his treatment of everyone who took part in the Battle of the Camel was based on negotiations outside of the negotiations room. He said, "Whoever forgives us is one of us and we are his." He wanted to consolidate the unity of the Islamic nation on the basis of legitimacy, commitment and justice. He even sent letters to Mu'āwiyah telling him that war was not an option.

Imam 'Alī continued to instruct the commanders of his army not to start the war except after calling the commanders of the army of Mu'āwiyah to legitimacy that is founded on the Quran and the *Sunnah* of His Messenger. The Commander of the Faithful used patience and deliberation before the fight began and gave the army of Mu'āwiyah the chance to avoid the war and military confrontation. And when some of the commanders of the army of Imam 'Alī complained and grumbled about waiting, he replied, "I do not care for your claim that I am not willing to engage in war because I am afraid of death. I do not care if I die or not. As for your saying that I have not started war out of concern for the people of the Levant I want you to know I have not been driven to fight without desiring to bring another people to the right path and to light. This is better for me than killing people who are lost even if they were immersing deep in sin."²³⁹

Again, Imam 'Alī did not cease the negotiations and communication with Mu'āwiyah because he was seeking to avoid war and military confrontation. His army started to complain, saying that the reason why 'Alī was avoiding war was fear of death. Others said he was reluctant to fight because he doubted

²³⁸ Al-Ṭabarī, *Tarikh al-rusul wal-muluk*, Vol. 3. p. 73.

²³⁹ Al- Rādī, *Nahj al-balagha (Peak of Eloquence)*, pp. 128.

whether it was just to wage war against the people of the Levant. But Ali answered them that he did not care at all about death and that their doubts were erroneous. Rather, by waiting, he was aiming to reach common ground with Mu'āwiyyah that might spare Muslims from war and bloodshed by means of bringing them to the right path and to the truth.

Mu'āwiyyah and his army arrived at Siffin and took control of a river that provided the area with drinking water. He cut off the water supply to the army of Imam 'Alī. A fight for water ensued.

Once again, 'Alī continued negotiations with Mu'āwiyyah and sent to him a new emissary called Sa'sā' ibn Humām, who told Mu'āwiyyah, "We have not come to fight you unless we see a good reason to fight. And now you are fighting us by cutting off the water from us."²⁴⁰

"We have come and war was not our aim," said 'Alī to Mu'āwiyyah. 'Alī was trying to find common ground based on legitimacy, commitment and justice. But Mu'āwiyyah initiated fighting against 'Alī by cutting off the water. This is how 'Alī talked with Mu'āwiyyah, and every day he insisted on holding negotiations.

'Alī tried to brandish the sword and prepare to attack in order to deter the army of Mu'āwiyyah, by scaring his army so to as avoid the war. 'Alī did not lose his temper when water was cut off. His army thirsted, but he did not react and he did not give in to internal pressure.

Through his knowledge, patience, consistency, leadership, responsibility, commitment to legitimacy and justice, Imam 'Alī realized that the best way was to continue communication and negotiations through emissaries. He kept options open and he never closed the doors for communication. The alternative for war was clear and specific: calamity for the Islamic nation. Three days after intermittent fighting between the two armies, Imam 'Alī sent 'Amr Al-Anṣarī, Sa'd ibn Qays and Shabbāt ibn Rabī to Mu'āwiyyah with the following message, "Obey him [Imam 'Alī], unite and hear what he has to say." When they entered into the tent of Mu'āwiyyah they said to him, "O Mu'āwiyyah, life is mortal and eventually you will die. Allah will judge you according to your

²⁴⁰ For more information see: Al-Sirjānī, *Battle of the Siffin. The Great Sedition*, p.5.

deeds. We implore you not to scatter and disperse this nation and not to shed the blood of this nation.”²⁴¹

Mu‘āwiyah answered them, “Why do not you recommend this to your Imam?” They replied, “Our Imam is right. He is virtuous, well reputed and pious. He invites you to pledge allegiance to him, and this is better for you in your earthly life and in your afterlife.” But Mu‘āwiyah said, “And to leave the blood of ‘Uthmān. No, by Allah, I will not do that.”²⁴²

‘Alī’s negotiating behavior was based not on starting the war but on building common ground. He told his emissaries, “Hear what he [Mu‘āwiyah] has to tell you.” He recommended to his emissaries to invite Mu‘āwiyah to pledge allegiance to him, to obey him and to unite the nation of Islam and return to him with an answer.

Imam ‘Alī was trying to establish a common ground through the answers of Mu‘āwiyah. He was not thinking of a zero sum game. He was trying to find a common ground based on a win-win situation without affecting legitimacy, which is based on the Quran and the *Sunnah* of His Messenger.

The negotiating behavior of Mu‘āwiyah was based on establishing a common ground that would consolidate his rule in the Levant. He could not pledge allegiance to Imam ‘Alī and obey him. If he did, he would be accepting the decision for his deposition.

For Mu‘āwiyah, the blood of ‘Uthmān, his unjust murder, and the failure of ‘Alī to avenge his death, formed a focal point for his negotiating behavior. In other words, the best alternative for him to being unable to reach an agreement was keeping the status quo, i.e. remaining the governor of the Levant while Imam ‘Alī would remain a ruler over most Islamic territories that had pledged allegiance to him.

The negotiating behavior of Mu‘āwiyah would lead both armies to military confrontation and war. And indeed, this is what happened in reality.

In spite of the message of peace and unity that ‘Alī sent to Mu‘āwiyah via his emissaries, the latter became more and more stubborn and extreme. When a

²⁴¹ Ibid.

²⁴² For more information see Khalid, *Fī riḥāb ‘Alī*, pp. 163-183.

delegation consisting of ‘Udday ibn Ḥātim, Yazīd ibn Qais, Shabbāt ibn Rabī, and Ziyād ibn Khaṣfah invited Mu‘āwiyah to pledge allegiance to ‘Alī, and to unite the Muslim nation, Mu‘āwiyah replied (according to some narratives), “You have called on me to obedience and unity. But the community you ask me to unite is here with us and obedience to your leader is out of the question. Your leader killed our Caliph and scattered our people and sheltered the murderers. Your leader claims he did not kill him but we give you no answer. Did you see the killers of our leader? Do you not know that they are friends to your leader?”²⁴³

According to some narratives, Mu‘āwiyah adopted a negotiating behavior to close all doors before a settlement and avoid finding a common ground. He held Imam ‘Alī responsible for the death of ‘Uthmān and alleged that he sheltered the killers. In other words, Mu‘āwiyah accused ‘Alī of conspiracy and of disuniting the Muslim nation. For this reason, in Mu‘āwiyah’s thinking ‘Alī should be opposed, not obeyed.

Later, during the intermittent fighting between the two armies in Siffin, Mu‘āwiyah sent a delegation consisting of Ḥabīb ibn Musallama Al-Fihri, Sharḥabīl ibn Al-Simṭ and Ma‘an ibn Yazīd ibn Al-Akhnas to ‘Alī, telling him, “‘Uthmān was a Caliph guided by Allah, conducting himself according to the Quran. He was obedient to Allah’s commands but you sought his life and killed him. If you claim you have not killed him send to us his murderers and then resort to the opinion of the people and do as they say.”²⁴⁴

Mu‘āwiyah was not satisfied with escalation by not pledging allegiance to ‘Alī. He refused the decision of the deposition and accused ‘Alī and demanded handing over the murderers of ‘Uthmān so that he could kill them. He even escalated the situation further when he told the delegation of the Imam that he must resign and comply with the opinion of the nation. He actually stressed the illegitimacy of the government of ‘Alī.

‘Alī realized that Mu‘āwiyah was dictating and not negotiating. According to the Imam, Mu‘āwiyah wanted to achieve results before negotiating. He even wanted to be victorious and impose his conditions. But ‘Alī responded by

²⁴³ Al-Ṭabarī, *Tarikh al-rusul wal-muluk*, Vol. 3, p. 79.

²⁴⁴ Ibid. p. 80.

saying, “Indeed, you will not make the dead hear, nor will you make the deaf hear the call when they have turned their backs retreating. And you cannot guide the blind away from their error. You will only make those who hear believe in our verses so they are Muslims [submitting to Allah].”²⁴⁵

‘Alī realized he had no option except war and that Mu‘āwiyah had closed all doors for an agreement through negotiations, and that his alternative was to keep the status quo. ‘Alī could no longer accept the situation and he upheld legitimacy.

The war between the two armies was violent. The companions of the Prophet Muhammad who fought on the side of Imam ‘Alī fell dead by the companions of the Prophet Muhammad who fought on the side of Mu‘āwiyah. The war continued for ten straight days until victory tilted toward ‘Alī. Then ‘Amr ibn Al-‘Ās went to Mu‘āwiyah and said, “Can I suggest something to you that will strengthen our unity and disunite them?” Mu‘āwiyah answered in the affirmative. ‘Amr ibn Al-‘Ās said, “We hold copies of Holy Qur’an on our spears and say ‘The Holy Qur’an will judge between you and us.’ Some will refuse and some will say yes, and therefore we create division among them. But if they all say yes then we would delay the war for some time.”^{246 247}

According to the narrative, Mu‘āwiyah accepted the suggestion and agreed to establish a common ground based on the Quran and legitimacy and commitment. This marked a radical change in the negotiating behavior of Mu‘āwiyah. His acceptance of the suggestion indicates that Mu‘āwiyah moved from dictation and conditions to legitimacy. Imam ‘Alī could not reject this. According to the Imam, the suggestion, in spite of the motives of Mu‘āwiyah, was based on the following verse from the Quran: “Do you not consider, [O Muhammad], those who were given a portion of the Scripture?

²⁴⁵ The Holy Qur’an. Surat Al-Naml. Verses 80-81.

²⁴⁶ Al-Ṭabarī, *Tarikh al-rusul wal-muluk*, Vol. 3.

²⁴⁷ According to Dr Hikmat Hilal upon his review of the manuscript of this book: *This issue, even though it appears in some histories, contradicts rationality since Mu‘āwiyah had only one copy of the Holy Qur’an (out of originally seven copies existing at the time of ‘Uthmān). It was the Holy Qur’an of the Levant. Besides, the Holy Qur’an Mu‘āwiyah had was huge and could hardly be raised on spears. Moreover, bringing the Holy Qur’an from Damascus to the battlefield (Siffin on the river) required time and effort. Rational minds do not accept the narrative of raising copies of the Holy Qur’an on spears. Furthermore, the companions of the Messenger of Allah (pbuh) fighting with Mu‘āwiyah were pious and could not accept the idea of raising copies of the Holy Qur’an on spears.*

They are invited to the Scripture of Allah that it should arbitrate between them; then a party of them turns away, and they are refusing.”²⁴⁸

This is not the place to go into detail concerning the manner in which ‘Alī dealt with the notion of raising copies of the Holy Qur’an on spears. There are different versions of the same narrative, but whether the incident described therein had happened or not, it is obvious that ‘Alī understood the nature of the negotiating behavior of Mu‘āwiyah. For the Imam the main motive was to prevent bloodshed. The negotiating behavior of ‘Alī was founded on legitimacy, and therefore he could not refuse the offer of Mu‘āwiyah.

In *The History of Al-Ṭabarī, tarikh al-rusul wal-muluk (History of the Prophets and Kings)* Al-Ṭabarī relates that Al-Ash‘ath ibn Qays²⁴⁹ came to ‘Alī and said, “I see people contented and happy to respond to the invitation to be ruled by the Holy Qur’an. If you want I can bring Mu‘āwiyah before you and you can ask him anything you want.” The Imam answered, “Bring him and ask him.”²⁵⁰

Notice the listlessness in the answer of the Imam when asked by Al-Ash‘ath ibn Qays to go to Mu‘āwiyah and ask him about what the latter wanted. “Ask him to come if you want.” ‘Alī did not praise Al-Ash‘ath’s idea. A man like ‘Alī chooses his words carefully. He chose a way to respond which also demonstrated that he was convinced by what Mu‘āwiyah had to say, but he did not stop others from asking Mu‘āwiyah what he wanted to say. Certainly, the Imam did not obstruct any attempt that would put an end to the war and bring Muslims back to legitimacy (the Quran and the *Sunnah* of His Messenger).

Al-Ash‘ath ibn Qays went to Mu‘āwiyah and asked him, “O Mu‘āwiyah, why did you raise the Holy Qur’an?” Mu‘āwiyah answered, “Let us and you return to the command of Allah in His Book. You send us a man you agree on and we send a man we agree on and we ask them to do as Allah commands in His Book, and then we follow what we agree on.” Al-Ash‘ath ibn Qays answered, “This is the right thing to do.”²⁵¹

²⁴⁸ The Holy Qur’an. Surat Al-‘Imran. Verse 23.

²⁴⁹ One of the companions of Prophet Muhammad. He advised Ali to accept adjudication with Mu‘āwiyah

²⁵⁰ Al-Ṭabarī, *Tarikh al-rusul wal-muluk*, Vol. 3., p 102.

²⁵¹ Ibid. p. 102.

The position of 'Alī with regards to whether to continue or stop the war was equivocal. If, for argument's sake, he wanted the war to continue, this does not take him out of the circle of commitment to the *sharī'ah* provisions.

But 'Alī accepted the suggestion of Mu'āwiyah, who chose 'Amr ibn Al-Ās to represent him. As for the side of Imam 'Alī there was a general disagreement. One group chose Abu Mūsā Al-'Ash'arī and another group, including 'Alī, rejected Abu Mūsā Al-'Ash'arī. We are not concerned here about discussing the details of choosing Abu Mūsā Al-'Ash'arī, but eventually he was the man to represent Imam 'Alī, while 'Amr ibn Al-Ās represented Mu'āwiyah. Here it should be noted that Abu Mūsā Al-'Ash'arī had been appointed ruler of Yemen by the Prophet Muhammad in addition to Mu'ādh ibn Jabal, after Muhammad came to know of their piety and good reputation.

If it has been said that Imam 'Alī had accepted Abu Mūsā Al-'Ash'arī as his representative, especially since there were corrupt people in his camp, this does not reflect the weakness of the principles of negotiations for 'Alī; rather it shows the Imam's commitment to the *sharī'ah* provisions, assuming that arbitration took place in the right and appropriate manner and by pious people.

Negotiations or Arbitration

Arbitration is different from mediation and it is not a process of negotiation. The origin of arbitration is judgment which involves having someone act as a judge or referee. Both parties have to agree on arbitration and accept its outcomes, and therefore the outcomes of arbitration are binding. In contrast, the outcomes of mediation are not binding and even its continuation is not guaranteed. In the Islamic religion, arbitration is possible as the following verses from the Holy Qur'an show:

- "... as judged by two just men among you."²⁵²
- "And whoever does not judge by what Allah has revealed - then it is those who are the defiantly disobedient."²⁵³
- "... when you judge between people to judge with justice."²⁵⁴

²⁵² The Holy Qur'an. Surat Al-Ma'ida. Verse 95.

²⁵³ The Holy Qur'an. Surat Al-Ma'ida. Verse 95.

²⁵⁴ The Holy Qur'an. Surat Al-Ma'ida. Verse 58.

- “Do you not consider, [O Muhammad], those who were given a portion of the Scripture? They are invited to the Scripture of Allah that it should arbitrate between them; then a party of them turns away, and they are refusing.”²⁵⁵

Today, in its international version, arbitration is represented by the International Court of Justice (ICJ). Countries may have disputes over land, regional waters, ownership or rights of its citizens in other countries, and they agree to resolve the dispute by going to the ICJ, which consists of 15 international judges. A party in the dispute may not submit a file to ICJ without the agreement of the other party. Moreover, both parties agree on accepting the ICJ’s ruling whatever it may be.²⁵⁶

This is the concept of arbitration from an international perspective. Disputing parties resort to a third party for a resolution of the conflict on the basis of valid legitimacy such as international law, conventions and charters. The ICJ’s ruling is binding and both parties must comply with it.

What had happened between Imam ‘Alī and Mu‘āwiyah was not arbitration as we know it today, or as the companions of the Messenger of Allah had known it. The case was not submitted to a third party for examination and there was no issuance of a binding ruling. ‘Alī chose Abu Mūsā Al-Ash‘arī as his negotiator and Mu‘āwiyah chose ‘Amr ibn Al-Ās as his negotiator.

What was required of both negotiators was to base their argument on the Holy Qur’an, and its provisions, as a reference to show the extent of commitment or lack of commitment to legitimacy by both parties as identified in the Holy Book.

Abu Mūsā Al-Ash‘arī and ‘Amr ibn Al-Ās engaged in negotiations and not arbitration. Each party had to refer to the verses from the Holy Qur’an that strengthened their respective positions, interpret them and connect them to the sayings of the Prophet Muhammad and his *Sunnah*. The dispute concerned legitimacy. Imam ‘Alī was sworn Commander of the Faithful but Mu‘āwiyah

²⁵⁵ The Holy Qur’an. Surat Al-Imran. Verse 23.

²⁵⁶ For more information see *Arbitration Countries and Possibility of Arbitration in Islam*. See also Al-Najami, Jasim Ajil. *International Arbitration in Islamic Shari’ah*, 9th session of the European Council for Fatwa and Research – France, 2006.

refused to pledge allegiance to him until after he had avenged the death of ‘Uthmān by killing the murderers.

Mu‘āwiyah did not ask for the caliphate. Nor did he ask for a pledge of allegiance. What he asked for was to punish the killers of ‘Uthmān and when this did not take place he asked for the killers to be handed over. He then escalated his tone and asked Imam ‘Alī to abdicate. Mu‘āwiyah refused all the invitations, letters and delegation sent to him by ‘Alī. He also refused to pledge allegiance to the Imam and insisted on his position, and as a result war broke out.

Was there a need to resort to the Scriptures or the Quran concerning whether Imam ‘Alī should be the Commander of the Faithful? Should Mu‘āwiyah have pledged allegiance to ‘Alī?

From the very beginning, the position of ‘Amr ibn Al-‘Ās was clear, when he refused the suggestion of Abu Mūsā Al-Ash‘arī to begin arbitration by saying, “This is what *amir al-mu‘minin* Imam ‘Alī ibn Abī Ṭālib judged.” ‘Amr ibn Al-‘Ās replied, “He is your *amir* not ours.”²⁵⁷

This is exactly what had happened during negotiations over the Pact of Al-Ḥudaybiyyah, when the infidels of Quraish refused to write the phrase ‘Messenger of Allah’ after the name of Muhammad ibn ‘Abdallah. Muhammad agreed because the Quraish had not entered into Islam at that time.

The agreement of Imam ‘Alī to write ‘*amir al-mu‘minin*’ (Commander of the Faithful) after his name was different from what had happened in Al-Ḥudaybiyyah. As explained earlier, the infidels of Quraish had not entered into Islam and therefore they were not Muslims. However, in the case of Mu‘āwiyah and ‘Amr ibn Al-‘Ās, they were the companions of the Prophet, and Mu‘āwiyah was even one of the writers of the Holy Qur’an.

Was the request to cancel the title of ‘*amir al-mu‘minin*’ after the name of Imam ‘Alī a violation of the provisions of the *sharī‘ah*? Was arbitration in this question possible? Here we will not try to answer these questions. It is left to Muslim scholars and jurists to find answers to them. Here we simply pose

²⁵⁷ For more information see: Al-Sirjānī, *Arbitration between ‘Alī and Mu‘awiyah*, 2006, available from www.islamstory.com, 2006, p. 5

questions to study the elements of 'Alī, especially the elements of legitimacy, commitment and justice.

Arbitration between a husband and his wife is different from arbitration between two Muslim armies engaging in a bloody war. What had happened between Abu Mūsā Al-'Ash'arī and 'Amr ibn Al-'Ās was negotiations based on the Holy Qur'an and the *sharī'ah*. The tools were commitment and justice. However, some details that came to us, like the maneuvers of 'Amr ibn Al-'Ās against Abu Mūsā Al-'Ash'arī, and the former insulting the latter's intelligence can be questioned, and are, in fact, unacceptable.

The fact that 'Alī was Commander of the Faithful was a settled matter, and likewise was the obligation of Mu'āwiyah to pledge allegiance to 'Alī and his request for punishing the killer of 'Uthmān.²⁵⁸

The negotiations between 'Amr ibn Al-'Ās and Abu Mūsā Al-'Ash'arī were based on the principle of legitimacy. 'Amr ibn Al-'Ās presented his position using the blood of 'Uthmān as a focal point. He said, "O Abu Mūsā, do you not know that 'Uthmān was killed unjustly? Abu Mūsā said, "I was a witness to it." 'Amr ibn Al-'Ās continued, "Do you not know as well that Mu'āwiyah and his family had pledged allegiance to him." Abu Mūsā answered, "Yes, I do." 'Amr ibn Al-'Ās quoted from the Holy Qur'an, "And whoever is killed unjustly - We have given his heir authority, but let him not exceed limits in [the matter of] taking life. Indeed, he has been supported [by the law]." He continued, "Why do you reject Mu'āwiyah as the successor of 'Uthmān and he is from the Quraish as you know? If you are scared people would say that Mu'āwiyah had no precedence then you have an argument. You say you found the governor of 'Uthmān the caliph who was killed unjustly and you ask for vengeance. 'Uthmān was a good politician and manager and he is the brother of Um Ḥabībah, the wife of the Messenger of Allah and one of his companions."²⁵⁹

The elements of negotiation in the position of 'Amr ibn Al-'Ās include the following issues that are contained in the Quran and Sunna:

²⁵⁸ For more information see: Al-Quraishī, Baqir Sharīf .*The Life of Imam Ali ibn Abi-Talib*, trans. Bader Shahin, 2010

²⁵⁹ Al-Ṭabarī, *Tarikh al-rusul wal-muluk*, Vol. 3. p. 111.

- **Justice:** The Caliph ‘Uthmān ibn ‘Affān was killed unjustly. Abu Mūsā Al-‘Ash‘arī could not disagree with him on that. In addition, Mu‘āwiyyah had pledged allegiance to ‘Uthmān.
- **Legitimacy:** The argument of ‘Amr ibn Al-‘Ās is based on *Surat Al-Isra’* verse 33, justifying the credibility of the position of Mu‘āwiyyah.
- ‘Amr ibn Al-‘Ās uses the elements of **relationships, communication and commitment**. Mu‘āwiyyah was the brother of Um Ḥabībah, the wife of the Prophet Muhammad and one of his companions. In addition, he was a good politician and manager.

These were negotiations in the very strictest sense of the word. Abu Mūsā Al-‘Ash‘arī replied, “O ‘Amr, fear Allah the Almighty. The honor of Mu‘āwiyyah you just talked about is not for his people only but for the people of religion and sound thinking, even though I believe if Quraish asked for honor I would rather choose ‘Alī ibn Abī Ṭālib instead of Mu‘āwiyyah. As for what you have said on Mu‘āwiyyah as the person responsible to take vengeance for the blood of Uthman, I would not make Mu‘āwiyyah responsible and leave the *Muhajirīn*. As for your definition of power and authority, by Allah if he had all the power I would not pledge allegiance to him.”²⁶⁰

The focal point in the negotiating position of Abu Mūsā Al-‘Ash‘arī should have been legitimacy. He should have pledged allegiance to Mu‘āwiyyah, thus following the injunction of the Holy Qur‘an on the necessity to hold on to the rope of Allah and avoid schism.

While understanding that the above was not in any sense a negotiations, parties who engage in negotiations nowadays are advised to present their working papers first, allow the other party to present their negotiating position, and then work on that basis. This strengthens the negotiating position of the initiating party. No matter how hard the other party tries to make amendments, raise questions or give responses, all is based on the propositions of the party who initiated its position first.

The Messenger of Allah said: “One who pledges allegiance to an Imam and gives him his hand and the fruit of his heart, let him do it if he can, and if someone else challenges him break his neck.”²⁶¹

²⁶⁰ Ibid. 111-112.

²⁶¹ *Hadīth sahih* written by Muslim in his *sahih* on Abdallah be ‘Umar (may Allah be pleased with him).

But this *hadīth* does not literally apply to the camp of Mu'āwiyah, who had not yet pledged allegiance to the Imam. Prophet Muhammad also said: "Kill the one who comes to divide you and cause conflict within your community."

The focal point for Abu Mūsā Al-'Ash'arī should have been the teaching of Allah, "O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you should believe in Allah and the Last Day. That is the best [way] and best in result."²⁶²

Even when disagreeing with the *amir*, the Messenger of Allah said: "The one who dislikes what his *amir* does, may he be patient, for whoever violates authority will die the death of the ignorant." The *hadīth* was related in different narratives by Al-Bukhari.²⁶³

Mu'āwiyah, 'Amr ibn Al-'Ās and Abu Mūsā Al-'Ash'arī were the companions of the Prophet and they knew these verses well.

For the purpose of this book we made reference to the Quran and the *Sunnah* of His Messenger. We said Abu Mūsā Al-'Ash'arī discussed the points and position raised by 'Amr ibn Al-'Ās. In any negotiations process each party will try to make the other party negotiate their position and not interests. This was what 'Amr ibn Al-'Ās did.

The interests of the party represented by Abu Mūsā Al-'Ash'arī were presented through reference to the Holy Qur'an concerning the governor, *amir al-mu'minīn*, and the pledge of allegiance. But Abu Mūsā Al-'Ash'arī responded to the proposition of 'Amr ibn Al-'Ās concerning the unjust murder of 'Uthmān and whether Mu'āwiyah had any blood relationship with him, as well as the defender of the blood of Mu'āwiyah with the Messenger of Allah. It seems that the narratives had disregarded or neglected the status of Abu Mūsā Al-'Ash'arī in the judiciary. There is a question as to how Abu Mūsā Al-'Ash'arī could have no knowledge that all Muslims are all defenders of 'Uthmān and not only Mu'āwiyah or the Bani Umayyah. That was a matter known by every Muslim and requires no further effort to realize it. Hence one may question the narratives or reports of arbitration that we have received.

²⁶² The Holy Qur'an. Surat Al-Nisa'. Verse 59.

²⁶³ <http://www.palmoon.net/topic-1626-41.html>

The negotiating behavior of Abu Mūsā Al-'Ash'arī, according to the narratives, ignored the fact that Imam 'Alī was entitled to the title of Commander of the Faithful and had to have the allegiance of Muslims, including that of Mu'āwiyah and all those who were with him.

In this regard Dr Hikmat Hilal writes,

*This is a question that makes arbitration in the well-known narratives about the deposition of 'Alī and the betrayal of 'Amr ibn Al-'Ās by Abu Mūsā and is therefore a point for further debate. Abu Mūsā Al-'Ash'arī was a shrewd politician and a judge and he ruled by the witness of the Messenger of Allah. He did not disregard the fact that 'Alī was the Caliph and that the dispute concerned Mu'āwiyah's pledge of allegiance before or after the punishment.*²⁶⁴

Arbitration cannot take place without an arbitrator, and punishment must be asked from a ruler or governor. In the Quran, Allah commanded people to uphold their faith in Allah and prohibited division. But the community could be founded on the Caliph and therefore pledging allegiance to him was a duty and an obligation. This was a matter that was impossible for Abu Mūsā Al-'Ash'arī to ignore.

Concerning the mandate and governor, Prophet Muhammad said: "The Imam has a paradise for which he fights and fears Allah."²⁶⁵ He also said: "If a pledge of allegiance is made for two caliphs kill the latter caliph."²⁶⁶

What the Messenger of Allah is saying here is clear and to the point. Is it possible to think that these verses and sayings were absent from the minds of his companions? How could these words of Allah have been ignored or disregarded by the companions of His Messenger. "And if two factions among the believers should fight, then make settlement between the two. But if one of them oppresses the other, then fight against the one that oppresses until it returns to the ordinance of Allah. And if it returns, then make settlement between them in justice and act justly. Indeed, Allah loves those who act justly."²⁶⁷ And likewise the verse: "And hold firmly to the rope of Allah all

²⁶⁴ Dr Hikmat Hilal's opinion after reviewing the book.

²⁶⁵ *Hadīth sahih* by Muslim in his *sahih* about Abu Hurayra (may Allah be pleased with him).

²⁶⁶ The *Hadīth* of the Messenger of Allah (pbuh).

²⁶⁷ The Holy Qur'an, Surat Al-Hujurat. Verse 9.

together and do not become divided.”²⁶⁸ One wonders how it could be that these verses were not in the mind of Abu Mūsā Al-‘Ash‘arī and ‘Amr ibn Al-‘Ās. All these questions raise queries about the popular narrative on arbitration.

Many warriors, who fought in the army of ‘Alī, raised questions about the feasibility of stopping the war and accepting arbitration, basing their argument on the Quran and the *Sunnah* of His Messenger. The disagreements about the acceptance of arbitration by ‘Alī, and stopping the war, led to the dissent of a group known by the name of *Al-Khawārij*. This is an important point since the camp of Imam ‘Alī contained people who objected to reform and this was against the desire and will of the Imam. Eventually this resulted in weakening ‘Alī’s position and led to his death, which was caused by those evil people.

Had the *Khawārij* been a people of piety and knowledge, and had they gone out to Imam ‘Alī, it would have been clear that they had manipulated the position of the Imam and his acceptance of arbitration as an excuse for their dissent, and took the opportunity to exploit the caliph’s preoccupation with his problem with Mu‘āwiyah. The legitimate evidence shown above refute their excuses and claims,²⁶⁹ in addition to their killing of ‘Alī.

The Caliph responded to these issues saying, “Do you command me that I should seek support by oppressing those over whom I have been placed? By Allah, I won’t do so as long as the world goes on, and as long as one star leads another in the sky. Even if it were my property, I would have distributed it equally among them, then why not when the property is that of Allah. Beware; certainly that giving of wealth without any right is wastefulness and lavishness. It raises its doer in this world, but lowers him in the next world. It honors him before people, but disgraces him with Allah. If a man gives his property to those who have no right to it or do not deserve it, Allah deprives him of their gratefulness, and their love too would be for others. Then if he falls on bad days and needs their help, they would prove the worst comrades and ignoble friends. Allah says, ‘And if you disagree over anything, refer it to Allah and the Messenger’.²⁷⁰ We shall be judged by the Quran and the *Sunnah* of His Messenger. If the Quran is the judge we are with it and if the *Sunnah* of the

²⁶⁸ The Holy Qur’an, Surat Al-H’Imran. Verse 103.

²⁶⁹ An opinion proposed by Dr. Hikmat Hilal.

²⁷⁰ The Holy Qur’an. Surat Al-Nisa’. Verse 59.

Messenger of Allah judges we are also with it. As for what you have said about my acceptance of arbitration, I did this in order for you to see and prove to the world. May Allah bring about a truce for this nation because Allah prefers those who do good and are pious.”²⁷¹

The focal point was the agreement of Imam ‘Alī to refer to the Holy Qur’an and the *Sunnah* of the Prophet Muhammad in trying to find common ground in his conflict with Mu‘āwiyah.

The following are the elements of negotiation used by ‘Alī in his conflict with Mu‘āwiyah:

1. Legitimacy: The following verse appears in the text: “And if you disagree over anything, refer it to Allah and the Messenger.”
2. Commitment: The Imam says, “We were not judged by men but by the Holy Qur’an”. In other words, the question is not about negotiations but commitment to the provisions of the Quran and the *Sunnah* of His Messenger. Here, what we have said about the obligation of Abu Mūsā Al-‘Ash‘arī in any of his dialogues or debates with ‘Amr ibn Al-‘Ās was to base his argument on the Quran concerning the pledge of allegiance and punishment. This is the right path according to ‘Alī.
3. Communication: The Holy Qur’an has no tongue, says Imam ‘Alī, and what it contains needs interpretation. Hence the task of Abu Mūsā Al-‘Ash‘arī and ‘Amr ibn Al-‘Ās was to abide by the provisions of the Holy Qur’an and the *Sunnah*, and interpret them when needed.
4. Relationships: ‘Alī says that when he was invited to be judged by the Holy Qur’an, he accepted the invitation immediately. Relationships between him and them were determined by the Holy Qur’an and the *Sunnah* of the Messenger of Allah and their interpretation when needed.
5. Options: The options were clear and specific for ‘Alī. He knew well the Quran and the *Sunnah* of His Messenger. He stressed there was no other option but the Holy Qur’an and the *Sunnah* and that their judgment will be in his favor. He says, “The Quran is a truthful judge and it will rule in our favor and likewise is the *Sunnah* of the Messenger of Allah.”²⁷²
6. Alternatives: If ‘Alī did not accept to resort to the Quran, the only alternative would be war and shedding the blood of Muslims. ‘Alī had no other option but to exert every effort to avoid the second alternative. He was the *amir al-mu‘minīn* (Commander of the Faithful).

²⁷¹ Quoted in Al-Rādī.

²⁷² Al-Ṭabarī, *Tarikh al-rusul wal-muluk*, Vol. 3, p. 545.

7. Interests: 'Alī said his acceptance to refer to the Quran was based on the interest of the Islamic nation. He says, "May Allah bring about a truce for this nation."
8. Justice: The success of any agreement or any decision resulting from arbitration must be based on justice. 'Alī says, "The best among people for Allah are those who work for justice even if this benefits them."²⁷³ No agreement or arbitration decision can last if it is not based on the element of justice.
9. Knowledge: As we have said, the decision of 'Alī to accept the ruling of the Holy Qur'an was based on knowledge of what the Quran and the *Sunnah* of His Messenger provide for concerning governorship, pledge of allegiance, punishment and Muslims fighting each other. He says, "I did this to prove to the knowledgeable and educate the ignorant."
10. Patience and consistency: There were those who blamed 'Alī for stopping the war and giving arbitration a chance, through reaching a truce according to a time schedule, and asking that they be patient and consistent. 'Alī told them, "As for what you have said I have resorted to arbitration between you and them."²⁷⁴
11. Leadership and responsibility: 'Alī did not give in to blackmail or threat or fear. His words to the *Khawārij* highlight his ability for leadership and for taking responsibilities. But the corrupt people in his camp led the nation to a catastrophe that could have been avoided. 'Alī was a responsible leader. He chose always to be in the right place and not the comfortable place, even if this led to division in his army and the war that broke out afterwards.
12. Variables: The element of variables and the inevitability of its occurrence constituted a main pillar in 'Alī's negotiations and his acceptance to refer back to the Qur'an and the *Sunnah*. Imam 'Alī realized that ceasing the war, accepting the truce and giving arbitration a chance would bring about variables for the benefit and interest of the Islamic nation. When the people found out about the teachings of the Holy Qur'an and the *Sunnah* of His Messenger on the pledge of allegiance, obedience, punishment and peace, a truce would be reached and the nation would prosper. 'Alī says, "I did this to prove to the knowledgeable and to educate the ignorant."²⁷⁵

'Alī was clear and specific in his direction and goals. There is no doubt he was strict and decisive in his instructions to Abu Mūsā Al-'Ash'arī. He said he did not

²⁷³ Al- Rādī, *Nahj al-balagha (Peak of Eloquence)*, Sermons of Imam 'Alī., p. 284.

²⁷⁴ Ibid., p. 283.

²⁷⁵ Ibid., p. 284.

send an emissary with prejudgment, but as an interpreter and a scholar of the Holy Qur'an and the *Sunnah* of the Prophet Muhammad.

This was very clear in the instructions 'Alī gave to Abu Mūsā Al-'Ash'arī. 'Alī instructed, "When you meet 'Amr ibn Al-'Ās, tell him that 'Alī says to you that the best people in the eyes of Allah are those who work for the truth. You know what the truth is, so why do you ignore it?" 'Amr ibn Al-'Ās replied with anger to the message of the Imam, "Since when do I accept the advice of 'Alī or care for his command or do according to his opinion?"

Once again Abu Mūsā Al-'Ash'arī debated with 'Amr ibn Al-'Ās as a response and not on the basis of what is between the covers of the Holy Qur'an, as 'Alī said. Abu Mūsā Al-'Ash'arī said, "What prevents you O son of a genius to accept the advice of your lord and master of the Muslims? Even those who were better than you like Abu Bakr and 'Umar asked for his advice and did according to his opinion."²⁷⁶

'Amr ibn Al-'Ās realized that he managed to get the negotiations out of arbitration and the Holy Qur'an and he wanted to get the negotiations still further. He said, "People like me do not talk to people like you."²⁷⁷

If the above narratives were true (and this is almost impossible because arbitration could not go on after 'Amr ibn Al-'Ās had shown contempt to Abu Mūsā Al-'Ash'arī) they reflect the negotiating behavior of 'Amr ibn Al-'Ās. He did not refer to the provisions of the Holy Qur'an with regards to the pledge of allegiance, the punishment, obedience and the interest of the nation. He knew well what justice was, as 'Alī had suggested earlier. Hence 'Amr ibn Al-'Ās sought, from the very beginning, to employ the element of relationships, that is to say personalization of matters between two persons that occupy a high position in Islam and within their tribes, as well as their proximity to the Messenger of Allah.

By no means did 'Amr ibn Al-'Ās try to refer to the sayings of Allah or to the *Sunnah* or to what relates to the fourth caliph of Islam, Imam 'Alī ibn Abī Ṭālib. Imam 'Alī was the Commander of the Faithful and all people were obliged to pledge allegiance to him and obey him. After that he could be asked to

²⁷⁶ For more information see: Al-Ṭabarī, *Tarikh al-rusul wal-muluk*, p.112.

²⁷⁷ Ibid., p. 112.

avenge the death of ‘Uthmān. Nevertheless, ‘Amr ibn Al-‘Ās insisted on not including this article on the agenda because the Holy Qur’an instructs that he should pledge allegiance to ‘Alī and obey him.

‘Amr ibn Al-‘Ās and Abu Mūsā Al-Ash‘arī talked about everything except the pledge of allegiance to ‘Alī, obedience and revenge. But was not the idea of raising the copies of the Holy Qur’an a manner of resorting to the Holy Qur’an and the *Sunnah* of the Prophet on the issues of allegiance, obedience, revenge and war between Muslims? How could ‘Amr ibn Al-‘Ās not include it on the agenda for negotiation (arbitration)? Why would Abu Mūsā Al-Ash‘arī accept this even though he was pious? This puts many question marks on the credibility of the narratives, not to mention that the camp of ‘Alī contained corrupt people who did not wish him or the Islamic nation any good.

Outcomes of the adjudication (arbitration)

It was clear that it was impossible to reach common ground or achieve results that would be acceptable or satisfactory to both parties through arbitration. Naturally, as elaborated earlier, the position or attitude of Abu Mūsā Al-Ash‘arī was based on the obligation to pledge allegiance to Imam ‘Alī by Mu‘āwiyah and his followers. According to Abu Mūsā, punishing the murderers of ‘Uthmān should take place after stability had been restored. It should be noted here, however, that one of the letters of Mu‘āwiyah to Imam ‘Alī said that after avenging the death of ‘Uthmān or delivering the murderers, ‘Alī should abdicate (if the narratives are to be believed).

Here it becomes clear that even if the murderers of ‘Uthmān were punished, Mu‘āwiyah would not have pledged allegiance to ‘Alī and would still have asked him to abdicate. This analysis is justifiable if the narrative were true since if Mu‘āwiyah wanted, in his heart, to pledge allegiance to ‘Alī, he would have done so and caused no trouble.

It seems that an agreement would not be reached through arbitration. Abu Mūsā Al-Ash‘arī and ‘Amr ibn Al-‘Ās were looking for the best possible option outside of an agreement (BATNA).

There have been several different narratives about arbitration, one of which concerns an agreement between Abu Mūsā Al-Ash‘arī and ‘Amr ibn Al-‘Ās on the necessity of having ‘Alī resign. But this seems most improbable. Al-Ṭabarī

argues that after a discussion on the necessity of focusing on the interest and reform of the Islamic nation, Abu Mūsā Al-'Ash'arī made a proposal to disenfranchise both men: "My opinion is to remove both men and leave the matter to the Muslims for consultation. Let them choose whomever they like." 'Amr ibn Al-'Ās answered him, "I agree with you." They both went to the people who were gathering. 'Amr ibn Al-'Ās asked Abu Mūsā Al-'Ash'arī to speak and the latter said, "'Amr and I agree on a matter which we ask Allah to accomplish for the benefit of this nation." 'Amr ibn Al-'Ās said, "Stand up Abu Mūsā and speak."

Abu Mūsā Al-'Ash'arī stood up and said, "O people. We have examined the situation of this nation and we have seen the only way to reform it is to remove 'Alī and Mu'āwiyah. The people of this nation will choose whomever they like. I have removed 'Alī and Mu'āwiyah and I ask you to choose an Imam to govern you as you deem right."

After that 'Amr ibn Al-'Ās said, "This is what you have heard and he removed his confidant and I do the same and remove his companion. I instate my companion Mu'āwiyah, for he is responsible for the blood of 'Uthmān and seeker of vengeance and he deserves this position."²⁷⁸

This narrative is not based on logic and the sound mind does not accept it. Mu'āwiyah did not claim he was *amir al-mu'minīn* and he did not ask to become a caliph either. What position would he abdicate? If what was meant was deposing him from the governorship of the Levant then this meant his acceptance of the decision of his deposition. But how could this be related to the condition of removing the Caliph who had deposed him?

The fight was not about the caliphate but about the timing of the pledge of allegiance – before or after punishing the killers of 'Uthmān. Whatever one thinks about the negotiating behavior of Abu Mūsā Al-'Ash'arī, he was not naïve enough to have fallen prey to that trick.

Abu Mūsā Al-'Ash'arī and 'Amr ibn Al-'Ās were not negotiating, discussing and talking individually (what is known today as "four eyes"). With them were the companions of the Prophet from both sides, such as 'Abdallah ibn Al-'Abbās,

²⁷⁸ Al-Ṭabarī, *Tarikh al-rusul wal-muluk*, Vol. 3, pp. 112-113.

‘Abdallah ibn Al-Zubayr, Al-Mughīrah ibn Shu‘bah, Al-Aḥnaf ibn Qays, ‘Abdallah ibn ‘Umar and others. These are only some of the names that appeared in the arbitration narratives in Al-Ṭabarī’s *History*.

One can either rely on this narrative or build upon it. We leave the detailed analysis for jurists and specialists.

The outcome of arbitration was represented in the adoption of the best option (BATNA) because no agreement had been reached through the negotiations. According to narratives, they agreed on the following:

1. To halt the war between the two armies for one year, after which they would meet at Dūmat Al-Jandal²⁷⁹.
2. To keep the situation as it was, i.e. Imam ‘Alī as the Caliph of the Islamic nation and Mu‘āwiyah to remain a ruler.
3. To leave the determination for the caliphate to a group of the companions of the Messenger of Allah, excluding Mu‘āwiyah and ‘Amr ibn Al-‘Ās. Most of the companions of the Messenger of Allah in this group had pledged allegiance to ‘Alī.
4. When a caliph is chosen, all Muslims must pledge allegiance to him and obey him, whether the murderers of ‘Uthmān had been punished first or later.²⁸⁰

Even if this is the closest to the truth of all other narratives, it does not agree with the context of the origin of the dispute between ‘Alī and Mu‘āwiyah. It must be called an agreement based on the possibility of removing the caliph unjustly which contradicts the reality of the companions of the Prophet and the impossibility of their agreeing on what is wrong. If we assume this is correct, it seems that the ruling was in favor of ‘Alī. However, the fact of keeping the *status quo* for Mu‘āwiyah and failure to consolidate ‘Alī as the *amir ‘al-mu‘minīn*, by leaving the caliphate to be determined by the companions of the Prophet were not in favor of Imam ‘Alī.

It seems it is clear that the ‘Alī’s front was weakened because of the division and the wars of the *Khawārij*. At the same time, Mu‘āwiyah’s front was becoming stronger, since he managed to conquer Egypt and Yemen and spread his forces in Iraq. Despite all of this, ‘Alī can be seen to have upheld legitimacy

²⁷⁹ An ancient city in North Western Saudi Arabia in the Province of Al Jawf

²⁸⁰ For further information about the results of arbitration see: Al-Ṭabarī, *Tarikh al-rusul wal-muluk* and Al-Sirjānī *Arbitration between ‘Alī and Mu‘awiyah*

and avoided bloodshed and therefore can be said to have been victorious in all situations.

The position of Imam 'Alī toward the outcomes of the negotiations (arbitration)

Most narratives say that Imam 'Alī was satisfied with the outcomes of the negotiations because they led to a cessation of the war and allowed for a one-year truce, during which the companions of the Prophet would unanimously elect a caliph and all Muslims would pledge allegiance to him.

In order to know how 'Alī employed the twelve elements of negotiation and communication, we see that he managed to keep the status quo without war with Mu'āwiyah. This is an example of BATNA.

Living with the status quo differs from being content with it, but in the case of the Imam it was the least costly alternative. 'Alī said: "The luck of people changed. They opted to live a mundane life and succumbed to desire. I am very surprised at their attitude. These people like themselves only. I want you all to know that I care for the people of the Muhammad, the Messenger of Allah."²⁸¹

This speech supports the fact that there were corrupt people in the camp of Imam 'Alī, who sought to keep the status quo for their own selfish benefit.

After fighting the *Khawārij* and when the situation was tense, 'Alī said to them, "O People, my attitude toward you is still the same as I like it to be, but war has worn you out. By Allah I had from you what I sought and left. War to your enemy is even worse."

'Alī added, "Yesterday I was an *amir* and today I take orders. Yesterday I ruled but today I am ruled. You opted to stay and I cannot oblige you to do what you do not like to do."²⁸²

Everything that Imam 'Alī said demonstrates that he was compelled to live with reality due to the gravity of the alternatives, i.e. war against Mu'āwiyah. 'Alī stressed that war had worn out his army and therefore those who were with him obliged him to accept the results of the arbitration. They ordered him to accept and he complied with their opinion.

²⁸¹ Al-Ṭabarī, *Tarikh al-rusul wal-muluk*, p. 530-534.

²⁸² Ibid. p. 381.

The acceptance of 'Alī of the status quo to reach the best alternative for not reaching an agreement (BATNA) led many warriors in his army to exploit the situation and rebel against him. The *Khawārij* were not a dissent movement but they were collaborators who rebelled against 'Alī, and some of them had taken part in the murder of 'Uthmān. They wanted neither reconciliation nor a victory for 'Alī because he would punish them. Their dissent was not caused by policies, and they would have rebelled against the Imam sooner or later. In fact, their killing of the 'Alī was ample proof of their ill will. In his wars 'Alī used to quote from the Holy Qur'an: "So be patient. Indeed, the promise of Allah is truth. And let them not disquiet you who are not certain [in faith]." ²⁸³

The elements of patience and consistency were among the most important elements upon which 'Alī relied in judging and decision-making. He always opted for relying on the legitimacy of the Quran and the *Sunnah* of His Messenger. For him each and every element of communication and negotiations was directly connected with the element of legitimacy.

The interest for Imam 'Alī required putting an end to the bloodshed, especially as those who were with him agreed to refer to the Holy Qur'an and the *Sunnah* of the Prophet. They even chose Abu Mūsā Al-'Ash'arī to negotiate on their behalf.

'Alī did not regard the caliphate as a goal in itself. On more than one occasion he refused the offer of allegiance after the murder of 'Uthmān. When he eventually agreed to become the caliph, he set down a list of conditions, the most important being that spending public money should take place in accordance with the teachings of the Holy Qur'an and the *Sunnah* of His Messenger.

After the failure of arbitration, a few members from the *Khawārij* came to him and said, "No rule except the rule of Allah." They said to the Imam and they were wrong: "Send us to our enemies to fight against them so that we can meet Allah if we die." 'Alī replied, "I wanted you to listen to me but you disobeyed me. We wrote an agreement between us and them and we put our conditions and gave our conventions and charters (to stop the war). Allah (may

²⁸³ The Holy Qur'an. Surat Al-Rum. Verse 30.

His name be praised) said, 'And fulfill the covenant of Allah when you have taken it, [O believers], and do not break oaths after their confirmation while you have made Allah, over you, a witness. Indeed, Allah knows what you do.'"²⁸⁴

They stressed the fault to 'Alī and insisted, "That is a guilt you should repent." He answered, "This is not guilt but lack of sound opinion and action. I asked you not to do it." They said, "If you do not resort to the arbitration and judgment of the Quran we will fight against you. Ask for the blessings of Allah." The Imam said, "How miserable and wicked you are! The devil likes you and therefore I ask you to fear Allah. There is no good for you in a world in which you fight."²⁸⁵

It was destined for 'Alī to be killed at the hands of the *Khawārij*, and he was the third Muslim caliph to be assassinated. He was killed by 'Abdal Raḥman ibn Muljam and there is no better evidence to show that the *Khawārij* ignited the fire of sedition that took place among Muslims in the Battle of the Camel. There is also evidence that they were among the two armies and did not give in to the calls to stop the killing of the companions.

After the death of 'Alī, the Muslims pledged allegiance to Al-Ḥassan ibn 'Alī and he called Mu'āwiyah three months after the pledge of allegiance was made to him. Mu'āwiyah came to Kufa and Al-Ḥassan and Al-Ḥussayn pledged allegiance to him. People followed their steps and the Umayyad state was officially established. Mu'āwiyah became the Commander of the Faithful and their caliph. Al-Ḥassan carried out what Imam 'Alī asked him to do, namely preventing the bloodshed of Muslims and putting an end to sedition, even if that called for the abdication of the caliphate. There is a matter that should be reconfirmed, namely that 'Alī was victorious if measured against the legitimacy to which he was committed.

Concerning the final decision of the caliph on arbitration Dr. Hikmat Hilal writes, "It is more correct to say that negotiations failed because of the rejection of the emissary of Mu'āwiyah ... of the provisions of the *sharī'ah*. Imam 'Alī and Abu Mūsā Al-'Ash'arī (may Allah be pleased with them) could not

²⁸⁴ The Holy Qur'an. Surat Al-Nahl. Verse 91.

²⁸⁵ Al-Ṭabarī, *Tarikh al-rusul wal-muluk*, p. 114.

have agreed on a solution that challenges the powers of the Imam (may Allah be pleased with him) to rule.”

Dr. Hilal adds that the conclusion of ‘Alī was a serious matter. Dr. Hilal argues that it would have been better for the Imam to have agreed before the war. Besides, how could ‘Alī contradict the provisions of the *sharī‘ah* and he was victorious in Siffin? And when were ‘Alī and Abu Mūsā Al-‘Ash‘arī ready to give up the provisions of the *sharī‘ah*? Besides, what was the attitude of the companions and scholars on giving up the provisions of the *sharī‘ah*? Taking this as an absolute truth without evidence means that the companions would have violated the provisions of the *sharī‘ah* and the reality was that the negotiations failed because there was no pledge of allegiance to Mu‘āwiyah and the existence of dissenters in the camp of ‘Alī. The Imam had no choice but to stop the war, live with reality and fight the *Khawārij*, which led to loss of control and sedition. From an Islamic perspective, the victory of ‘Alī was evident when the *Khawārij* assassinated him after he had convinced them using legitimate dialogue.

Elements of negotiations for Imam ‘Alī

Imam ‘Alī remained consistent in his use of the elements of communication, negotiation and leadership. Indeed, if we compare two speeches he gave, one when he was sworn in as Caliph and the other shortly before his death, this consistency becomes evident. After the swearing of allegiance to ‘Alī as Commander of the Faithful (amir al-mu'minīn), some people from among the companions of the Prophet said to him, "You should punish the people who assaulted ‘Uthmān," whereupon he said:

O my brothers! I am not ignorant of what you know, but how do I have the power for it while those who assaulted him are in the height of their power. They have superiority over us, not we over them. They are now in the position that even your slaves have risen with them and Bedouin Arabs too have joined them. They are now among you and are harming you as they like. Do you see any way to be able to do what you aim at?

This demand is certainly that of the pre-Islamic (al-jahiliyyah) period and these people have support behind them. When the matter is taken up, people will have different views about it. One group will think as you do,

but another will not think as you think, and there will be still another group who will be neither this way nor that way. Be patient until people quieten down and hearts settle in their places so that rights can be achieved for people easily. Rest assured from me, and see what is given to you by me. Do not do anything which shatters your power, weakens your strength and engenders feebleness and disgrace. I shall control this affair as far as possible, but if I find it necessary the last treatment will, of course, be branding with a hot iron [through fighting].²⁸⁶

Before his death:

O people! Everyone has to meet what he wishes to avoid by running away. Death is the place to which life is driving. To run away from it means to catch it. How many days did I spend in searching for the secret of this matter, but Allah did not allow save its concealment. Alas! It is a treasured knowledge. As for my last will, it is that concerning Allah, do not believe in a partner for Him, and concerning Muhammad (pbuh), do not disregard his Sunnah. Keep these two pillars and burn these two lamps. Till you are not divided, no evil will come to you. Every one of you has to bear his own burden. It has been kept light for the ignorant. Allah is Merciful. Faith is straight. The leader [the Prophet] is the holder of knowledge. Yesterday I was with you; today I have become the object of a lesson for you, and tomorrow I shall leave you. Allah may forgive me and you.

He added:

I was your neighbor. My body kept you company for some days and shortly you will find just an empty body of mine which would be stationary after [all its] movement and silent after speech so that my calmness, the closing of my eyes, and the stillness of my limbs may provide you counsel, because it is more of a counsel for those who take a lesson [from it] than eloquent speech and a ready word. I am departing from you like one who is eager to meet [someone]. Tomorrow you will look at my days, then my inner side will be disclosed to you and you will

²⁸⁶ Al- Rādī, *Nahj al-balagha* (Peak of Eloquence), p. 300.

*understand me after the vacation of my place and its occupation by someone else.*²⁸⁷

If these quotations are authentic, then this is a victory for Imam 'Alī because he was committed to legitimacy and the provisions of the Holy Qur'an.

To sum, the preceding analysis and accounts showed that 'Alī focused on the elements of negotiations that Roger Fisher described as well as additional elements as noted earlier:

1. Legitimacy: He told people when they pledged allegiance to him not to worship any God but Allah alone and to keep the *Sunnah* of His Messenger. He also advised them on his deathbed to keep those two pillars and candles alight.
2. Commitment: By adopting the Holy Qur'an and the *Sunnah* of the Prophet Muhammad, 'Alī secured the road to salvation and joy in the afterlife.
3. Options: There are the options of good and evil. Man has the right to choose and decide for himself.
4. Alternatives: The element of alternatives for legitimacy and commitment are clear. The alternatives would be war, destruction and sedition.
5. Relationships: Relationships must be based on rights. 'Alī asked his followers to fear Allah and not to harm people: "The true Muslim is the one from whom people are safe."
6. Communication: 'Alī urged people to communicate with others and defend each other even to death. He called for communication to reform people and stay away from corruption. He encouraged them to work for both their earthly life and afterlife. This is the rule for balanced communication with people and with God.
7. Interests: The interests of people lie in identifying their alternatives and adopting legitimacy which gives people a choice to do good or to do evil.
8. Variables: 'Alī asked people to learn from their experiences. He said his body would become motionless and it was alive and speechless after it had been speaking. Everything changes. He said, "Your children were born to live in a different time than your time."
9. Knowledge: 'Alī identifies the character of the Imam saying "... a merciful Allah, a true religion and a knowledgeable Imam." The element of knowledge is one of the foundations of leadership and a main

²⁸⁷ Ibid., p. 264-265.

characteristic of the leader or negotiator. It is the base on which decisions are founded.

10. Leadership and responsibility: 'Alī said: "Sincerely and by unity give people their rights." He connected the rights of people to sincerity and loyalty. Leadership and responsibility were there only to bring a balance between rights and duties. The Imam said: "Fear Allah and worship Him in your land and with your people for you are responsible for land and beasts."²⁸⁸ The leader cannot avoid his responsibility for man and beast alike. The elements of leadership and responsibility are the foundation for communication among people and for political unity.
11. Patience and consistency: 'Alī said: "Tomorrow you will see my days and discover my deepest thoughts. You will know after I am gone and another person takes my position. Tomorrow if you are patient you will know my position and secrets and life. I will not be with you and another will be in my place."²⁸⁹ He added: "I have spent all my life looking for what fate hides for me but Allah hid it for I cannot know the hidden."²⁹⁰ One must be patient. How many days of our lives do we spend in trying to know about things about which we have no idea. Therefore, we have to be patient and estimate matters well.
12. Justice: "The true Muslim is the one from whom people are safe," said Imam 'Alī, adding: "Only by what is right Muslims must do what they have to do."²⁹¹ Justice is a main pillar for relationships between the governor and his people. Things are only resolved by justice and the truth.

²⁸⁸ Ibid., p. 81.

²⁸⁹ Ibid., p. 68.

²⁹⁰ Ibid., p. 87.

²⁹¹ Ibid., p. 81.

Conclusion

I hope I have achieved the objective of this book, by primarily highlighting the twelve elements of communication and negotiation according to Imam 'Alī (may Allah be pleased with him). 'Alī was one of the companions of the Prophet Muhammad, and his student, and his elements of negotiations preceded those of western schools.

In this book we compared 'Alī's elements of negotiation with one of the most recent of "western schools" and later discussed how he applied those elements to crisis management, negotiations and communication with people.

In fact, Imam 'Alī and the other companions of the Prophet Muhammad were not the only ones who preceded modern western schools in the area of negotiations and communication. About 500 years ago, Jean Bodin, who was born in France in 1530 and died in 1596, wrote his *Six Books of the Commonwealth*. In this work, Bodin identified the concept of sovereignty and the relationship between people with the state and state-to-state relationships. But these issues were axiomatic for 'Alī and he applied them successfully considering the provisions of the *sharī'ah*.

Bodin is known in the West to be the founder of the concept of sovereignty, but Imam 'Alī perceived the concept of sovereignty before Thomas More, Niccolò Machiavelli, Jean Bodin, Thomas Hobbes, Jean-Jacques Rousseau, Voltaire, Montesquieu, Engels, and of course, Roger Fisher. Imam 'Alī understood the concepts of political realism, social contract, sovereignty, individual and public freedoms and justice based on his understanding of Islam.

The same can be said about the twelve elements of negotiations and communication with people. 'Alī understood the concept of sovereignty as part of the provisions of the *sharī'ah* saying, "There must be a good or bad *amir* or governor."

Plato developed the principles of utopia or the unrealistic virtuous city that rejects the democratic system, but 'Alī laid the foundation for political realism, particularly for the origin and development of states.

In the Early Modern period, Niccolo Machiavelli developed the principles of political realism in *The Prince*, thus moving a step ahead of More's *Utopia*. Later social contract theories were propounded by 18th and 19th century thinkers. But before Machiavelli talked about political realism, before Thomas Hobbes talked about absolute government or the divine rights of kings, Jean Bodin, Voltaire, Rousseau and Montesquieu about freedoms and social contract, Imam 'Alī consolidated the concept of sovereignty when he answered the *Khawārij* who declared there was no need for a caliph because they had the Holy Qur'an and the *sunnah* of the Prophet, "This is true but you have said this to achieve a bad purpose. There is need for a good or bad *amir*."²⁹²

Imam 'Alī identified the concept of sovereignty before Jean Bodin and he rejected primitive political societies. He moved to the state of the regime before John Locke talked about moving from primitive societies to civil societies. The Imam also rejected the concept of absolute government later called for by Thomas Hobbes. He says, "One who is tyrannical in his opinion will be destroyed but whoever consults with men shares their opinion."

Imam 'Alī declared his rejection of chaos and anarchy, "There must be a good or bad *amir*." He also declared his rejection of tyranny and emphasized individual freedoms, "One is not ridiculed for having his right not given to him, but he is blamed for not giving others their right."

'Alī rejected autocratic rule. "It is wondrous that the Caliphate is hereditary through blood or kinship." He considered the identification and duties of people and rulers as a basis for legitimacy. However, he did not put these as dictatorial conditions but on the basis of the Holy Qur'an and the *sunnah* of the Messenger. These were the foundations for the relationships between people and the state. He determined this on the basis of the *sharī'ah*, including the words of the Prophet, "No obedience to any one who acts in violation of the commandments of Allah." In other words, Muslims must not obey those who call for disobeying Allah; all Muslims must comply with the provisions of the *sharī'ah* represented in the Holy Qur'an and the *sunnah*.

²⁹² *nahj al-balagha (Peak of Eloquence)*. P. 101. The *Imam* (may Allah be pleased with him) No command except by Allah and people say there is need for an *amir* or governor."

According to 'Alī, the state is a realistic need for all people, a structure in which they are all equal on the basis of legitimacy.

Good acts are the common denominator between the ruler and the citizens. According to the Imam, a ruler does not come by inheritance but through allegiance. He must be elected by the people, whose duty is to obey him as long as the ruler complies with the provisions of the *sharī'ah* (the Holy Qur'an and the *sunnah*). As a result, the ruler is all-powerful and he represents power.

Citizenship, according to 'Alī, is based on submission, certainty, believing, recognition, performance and outcome. All acts must be good for the benefit of the state.

Imam 'Alī understood from Islam that justice is the basis for the relationships between the people and the state, among people themselves, and state-to-state relationships. He says: "Be just and do not be unjustly strict since this leads to division and injustice leads to the sword [war]." He calls for not using severity without right and to avoid division and injustice. 'Alī also warns us saying: "The revolt of the oppressed against the unjust is more horrible than the treatment of the unjust of the oppressed."

According to western thinkers, the state is considered a social contract for certain people living on a specific area of land, but according to 'Alī, legitimacy (the Holy Qur'an and the *sunnah*) are the basis for all higher values representing humanity and mankind. It is also a social contract that incorporates a community living in a specific area of land and borders. In other words, there is no contradiction between the principles of legitimacy as a higher value for mankind and other communities living within specific borders called a state.

Allah created people to be free and worship Him. All people are worshippers and are not slaves to anyone. Worshipping Allah is the basis for the relationships among people.

At this point it seems relevant to highlight the need for examining the modern-day negotiating behavior of the Arabs and Muslims, although the concept of 'Arab' or 'Muslim' negotiating behavior does not really exist given the fact that there are 57 Muslim countries. In order to make a meaningful analysis, one

would need to start by identifying the negotiating behavior for each country separately and then identify the common denominators based on the twelve elements of negotiation of 'Alī, who, like all other companions of the Prophet, understood that the Holy Qur'an and the *sunnah* of the Messenger of Allah constitute a charter for higher values among all people. But the state is a social contract for a group of people within a specific geographical area. What was basic and axiomatic for 'Alī and the companions of the Messenger of Allah took other nations hundreds of years to know.

It became apparent, during the course of this study, that when the sedition worsened and led to the killing of 'Uthmān, the pledge of allegiance to 'Alī, the Battle of the Camel and the Battle of Siffin, 'Alī, took the path of legitimacy and interests in crisis management. Meanwhile, the negotiating behavior of Mu'āwiyah was based on attitudes and zero sum game.

'Alī taught us that our true religion (the Holy Qur'an and the *sunnah*) provides us with all our needs for this life and for the afterlife.

As we have shown, the Muslims lack nothing of the elements of good governance, communication, negotiations, identification of interests and finding the common ground for resolving conflicts. We have preceded western schools in all of this.

Building a civil state does not mean we have to keep away from the higher values of our Muslim religion, rather these higher values must constitute the focal point of good governance based on elections and the belief in the inevitability of the rotation of authority, disclosure, and accountability for officials without exception, and despite their position, since they are all worshippers of Allah and must obey His commandments.

When 'Uthmān was murdered, there was no religious vacuum because Islam was already complete before the death of the Prophet Muhammad, who in his final speech said, "Today I have completed the religion for you."

But there was a political vacuum. The one who was killed was Commander of the Faithful (*amir al-mu'minin*) and not religion itself. The religion of Islam was complete when the Messenger of Allah passed away. It is and will be a

complete and common religion not only in Islamic countries but throughout the whole earth.

As we said earlier we lack nothing in terms of good governance, communication, negotiations, interests and finding a common ground in resolving conflicts.

I hope this book will mark the beginning of a period of re-examination and the introduction of knowledge, patience, variables, leadership, responsibility and most of all justice, in addition to the elements of interest, commitment, legitimacy, options, alternatives, relationships and communication, based on the provisions of the *sharī'ah*.

Bibliography

Al-‘Abbād, Abd al-Muhsin. *Kalām ibn Tayma fī harb bayn Mu‘awiya wa ‘Alī wa hukmuhuma – Mu‘awiya between al-muta‘asifin wa al-munsifin* (The opinion of ibn Tayma in the war between Mu‘awiyyah and ‘Alī and Their Rulings – Mu‘awiyyah between the Abusive and the Just), 2011.

Al-‘Arabī, Bakr. *al-‘Awāṣim min al-qawāṣim : fī taḥqīq mawāqif al-ṣaḥābah ba‘da wafāt al-Nabī*, ed. Muḥibb al-Dīn al-Khaṭīb, 1985. Al-Bukhari, Muhammad Ismail. *al-Jāmi’ al-Musnad al-Ṣaḥīh al-Mukhtaṣar min umūr Rasūl Allāh wa sunnanihi wa ayyāmihi*, Cairo: Dar As-Salam Publications, 2007

Al-Bukhari, Muhammad Ismail. *Ṣaḥīh al-Bukhārī*, available with english translation from: <http://sunnah.com/bukhari>.

Al-Dakhīlī, Rābi’ hādī Amīr. *A Study of the Sayings of Scholars in the hadīth titled Mercy to my Nation Abu Bakr*, www.alnasiha.net

Erekat, Saeb. *Life is Negotiations*. Nablus, Palestine: An-Najah National University, 2008.

Fisher, Roger, and Scott Brown. *Getting together: Building Relationships as we negotiate*. New York, Penguin Books, 1988.

_____, and Alan Sharp. *Getting it done: How to lead when you are not in charge*. New York: Harper Business Books, 1988.

_____, Elyizabeth Kopelman, and Andrea Schneider. *Beyond Machiavelli: Tools for Coping with Conflict*. New York, Penguin Books, 1996.

_____, William Ury, and Patton Bruce. *Getting to Yes: Negotiating Agreement without giving in*, 2nd edition, New York, Penguin Books, 1991.

Al-Ghazzali, Abu Hamid. *Iḥyā’ ‘ulūm al-dīn* (Revival of the Religious Sciences), ed. Abu Ḥafs ibn Ibrāhīm, Cairo, Dar Al-Hadi, 1992.

Ibn Kathīr, *al-bidāyah wa al-nihāyah* (The Beginning and the End), Cairo: Dar al-Taqwā, 1999.

Khalid, Khalid Muhammad, *Fī riḥāb ‘Alī*. (With ‘Alī). Cairo: Al-Muqattam Publications, 1966.

Khalid, Khalid Muhammad. *Khulāfa’ al-rasūl* (The Messenger’s Caliphates). Beirut: Dār al-kitāb al-‘Arabī, 1984

Murray, John, and Terry Barnett, *Negotiation Training Workshop*. Unpublished booklet distributed in the workshop held by the Negotiations Affairs Department, Ramallah, Palestine, 2007.

Al-Najafi, Hadi. Hadīth Ahl Al-Bayt Encyclopedia.

Al-Najami, Jasim Ajīl. International Arbitration in Islamic Sharī'ah, 9th session of the European Council for Fatwa and Research – France, 2006.

al-Naysaburi, Muslim ibn al-Hajjaj. Ṣaḥīḥ Muslim, available with english translation from: <http://sunnah.com/muslim>

Al-Quraishī, Baqir Sharīf .The Life of Imam Ali ibn Abi-Talib, trans. Bader Shahin, 2010

Al-Rādī, Sharīf. nahj al-balagha (Peak of Eloquence), available from: www.sufi.ir, English version available from <http://dawoodi-bohras.com/pdfs/Nahjul-Balagah-English.pdf>

Al-Sirjānī, Rāghib. limadha nadrus al-fitna al-kubra? (Why Study the Major Strife?), 2011, available from www.islamstory.com

_____. The Attitude of 'Utbah Ibn Rabi'a Toward the Messenger of Allah, 2010, available from www.islamstory.com.

_____. The Murder of 'Uthmān, 2006, available from www.islamstory.com

_____. Arbitration between 'Alī and Mu'awiyya, 2006, available from www.islamstory.com

_____. Battle of the Siffin. The Great Sedition, available from www.islamstory.com.

_____. Battle of the Camel. available from www.islamstory.com.

Al-Saykhan, Riyād Muhsin. Al-mar'a wal-wilaya al-'ammah bayna al-fiqh al-islami wal qawanin al-'arabiyya (Women and Public Mandate in Islamic Jurisprudence and Arab Laws). Beirut, 2011.

Al-Ṭabarī, Abi Ja'afar Ibn Jarīr, Tarikh al-rusul wal-muluk (History of the Prophets and Kings) vols 1-40. English version, Albany: State University of New York, 1985-2007.

Call of Kings to Islam, 2012; available from: Forum.roro44.com

The Conquest of Mecca, 2012; available from: www.islam.online.net

Islamic History Encyclopedia, "Alī Abu Talib", 2012

The Negotiations of Quraish with the Prophet, 2008, available from Muntaddh.shbab.net.

The Prophets of God: Introduction and History, 2012, available from: www.moqatel.com

In this most recent work, Dr. Saeb Erekat offers a fascinating insight into the parallels and divergences between Islamic and Western traditions regarding the principles and techniques of negotiation. Through in-depth analysis of the 'seven elements' developed by the late Harvard Law Professor Roger Fisher (1922-2012), and negotiations principles as taught by Imam 'Alī ibn Abī Ṭālib, the Fourth Caliph of Islam (c. 600-661 C.E.), Dr. Erekat demonstrates that the principles of modern negotiations can be found as early as the seventh century, within the rich tapestry of the Islamic tradition. Dr. Erekat goes on to identify five further elements in Imam 'Alī's thinking, which provides stimulating food for thought to modern scholars of negotiations, those working in the field of conflict resolution, and interested generalists alike.

Imam Ali Bin Abi Taleb and Negotiations is an assessment of the differences and complementarities between the Islamic and Western perspectives and approaches to Negotiation as a field of practice. This impressive and timely book is written by a scholar and international practitioner who has been involved in mediating the resolution of one of the most difficult, complex and long-running conflicts in the world – the Palestine-Israeli conflict. Dr. Saeb Erekat brings a refreshing and nuanced perspective in understanding negotiation that is relevant today in framing international policy responses to violent and extremist global Jihadist groups such as Al Qaeda and the Islamic State of Iraq and Syria (ISIS) and how they have subverted and corrupted the true Islamic values of peace, mercy and tolerance. This book is a must-read for all those interested in and practitioners of international security, global politics, peace and conflict resolution.'

Professor David J. Francis, Head of the Department of Peace Studies, University of Bradford

Dr. Saeb Erekat is the Palestinian Chief Negotiator and Head of the Negotiations Affairs Department of the Palestine Liberation Organization. In the past two decades, Dr. Erekat has played a key role in the negotiation of the Palestine-Israeli conflict. Dr. Erekat is a distinguished academic with nine books and has been Professor of Political Science at Al-Najah University in Nablus.



UNIVERSITY of
BRADFORD



DIVISION OF
PEACE STUDIES